



Journal of the Senate

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[See end of Journal for Bill Action Summary]

CALL TO ORDER

The Senate was called to order by President King at 10:22 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

At the request of the President, Senator Miller sang "The Lord's Prayer."

PLEDGE

Senator Peaden led the Senate in the pledge of allegiance to the flag of the United States of America.

SENATOR WEBSTER PRESIDING

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **CS for CS for SB 354** was withdrawn from the Committee on Appropriations.

BILLS ON THIRD READING

Consideration of **CS for CS for SB 3036** and **CS for SB 2342** was deferred.

CS for CS for CS for CS for SB 2488—A bill to be entitled An act relating to the Florida Hurricane Catastrophe Fund; amending s. 215.555, F.S.; redefining and defining terms; providing for the State Board of Administration to specify interest due on delinquent remittances; revising conditions of, amounts of, and procedures relating to reimbursement contracts; revising maximum rates of, procedures relating to, and types of insurance subject to emergency assessments; revising provisions relating to reinsurance; deleting expired provisions; requiring insurers to make a rate filing or certification for policies covered under the act; providing effective dates.

—as amended April 23 was read the third time by title.

Senator Atwater moved the following amendment:

Amendment 1 (420216)—On page 15, line 12 through page 16, line 28, delete those lines and insert:

Section 1. Effective June 1, 2004, paragraph (e) of subsection (2), paragraph (c) of subsection (4), and subsection (6) of section 215.555, Florida Statutes, as amended by this act, are amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(2) DEFINITIONS.—As used in this section:

(e) "Retention" means the amount of losses below which an insurer is not entitled to reimbursement from the fund. An insurer's retention shall be calculated as follows:

1. The board shall calculate and report to each insurer the retention multiples for that year. For the contract year beginning June 1, 2004 1995, the retention multiple shall be equal to \$4 \$3 billion divided by the total estimated reimbursement premium for the contract year; for subsequent years, the retention multiple shall be equal to \$4 \$3 billion, adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2003 1998, divided by the total estimated reimbursement premium for the contract year. Total reimbursement premium for purposes of the calculation under this subparagraph shall be estimated using the assumption that all insurers have selected the 90-percent coverage level.

2. The retention multiple as determined under subparagraph 1. shall be adjusted to reflect the coverage level elected by the insurer. For insurers electing the 90-percent coverage level, the adjusted retention multiple is 100 percent of the amount determined under subparagraph 1. For insurers electing the 75-percent coverage level, the retention multiple is 120 percent of the amount determined under subparagraph 1. For insurers electing the 45-percent coverage level, the adjusted retention multiple is 200 percent of the amount determined under subparagraph 1.

3. An insurer shall determine its provisional retention by multiplying its provisional reimbursement premium by the applicable adjusted retention multiple and shall determine its actual retention by multiplying its actual reimbursement premium by the applicable adjusted retention multiple.

(4) REIMBURSEMENT CONTRACTS.—

(c)1. The contract shall also provide that the obligation of the board with respect to all contracts covering a particular contract year shall not exceed the actual claims-paying capacity of the fund up to a limit of \$15 \$11 billion for that contract year *adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2003, provided that the dollar growth in the limit may*

On motion by Senator Alexander, further consideration of **CS for CS for CS for SB 2488** with pending **Amendment 1 (420216)** was deferred.

Consideration of **HB 689** was deferred.

SB 1792—A bill to be entitled An act relating to the Criminal Justice Standards and Training Commission; amending s. 943.11, F.S.; revising the membership of the commission; amending s. 943.1395, F.S.; providing for the inspection and copying of certain records; tolling certain time limitations regarding investigations; authorizing an officer who is under investigation, or the office's attorney, to review certain documents regarding the investigation; requiring the commission to periodically conduct a workshop and review disciplinary guidelines; providing for an advisory panel; requiring the Criminal Justice Professionalism Program within the Department of Law Enforcement to review disciplinary penalties imposed against an officer by an employing agency; providing for the adoption of rules; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Garcia, **SB 1792** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peadar
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for CS for SB 708—A bill to be entitled An act relating to local government accountability; amending s. 11.40, F.S.; revising duties of the Legislative Auditing Committee; amending s. 11.45, F.S.; specifying requirements for a petition for a municipal audit; revising reporting requirements of the Auditor General; providing for technical advice by the Auditor General; amending s. 11.51, F.S.; conforming provisions to changes made by the act; amending s. 61.181, F.S.; correcting a cross-reference; amending s. 75.05, F.S.; deleting a requirement for an independent special district to submit a copy of a complaint to the Division of Bond Finance of the State Board of Administration; amending s. 112.08, F.S.; clarifying that local governments are authorized to provide health insurance; amending s. 112.625, F.S.; revising the definition of "governmental entity" to include counties and district school boards; amending s. 112.63, F.S.; providing for additional material information to be provided to the Department of Management Services in actuarial reports with regard to retirement systems and plans and providing procedures therefor; providing for notification of the Department of Revenue and the Department of Financial Services in cases of non-compliance and authorizing the withholding of certain funds; requiring the Department of Management Services to notify the Department of Community Affairs in the case of affected special districts; amending s. 130.04, F.S.; revising provisions governing notice of bids and disposition of bonds; amending s. 132.02, F.S.; revising provisions relating to the authorization to issue refund bonds; amending s. 132.09, F.S.; revising provisions relating to the notice of sale, bids, and awards and private sale of bonds; amending s. 163.05, F.S.; revising provisions governing the Small County Technical Assistance Program; amending s. 166.121, F.S.; revising provisions governing the issuance of bonds by a municipality; amending s. 166.241, F.S.; providing a municipal budget amendment process and requirements; amending ss. 175.261 and 185.221, F.S.; conforming provisions to changes made by the act; amending s. 189.4044,

F.S.; revising special procedures for determination of inactive special districts; amending s. 189.412, F.S.; revising duties of the Special District Information Program of the Department of Community Affairs; amending s. 189.418, F.S.; revising reporting requirements of newly created special districts; authorizing the governing body of a special district to amend its budget; amending s. 189.419, F.S.; revising provisions relating to the failure of special districts to file required reports; amending s. 189.421, F.S.; revising provisions governing the failure of special districts to disclose financial reports; providing for extension of time for the filing of the reports; providing remedies for noncompliance; providing for attorney's fees and costs; amending s. 189.428, F.S.; revising provisions governing the special district oversight review process; amending s. 189.439, F.S.; revising provisions governing the issuance of bonds by special districts; amending s. 191.005, F.S.; exempting a candidate from campaign requirements under specified conditions; providing for the removal of a board member upon becoming unqualified; amending s. 218.075, F.S.; revising provisions governing the reduction or waiver of permit processing fees for certain counties; amending s. 218.32, F.S., relating to annual financial reports; requiring the Department of Financial Services to notify the Speaker of the House of Representatives and the President of the Senate of any municipality that has not had financial activity for a specified period of time; providing that such notice is sufficient to initiate dissolution procedures; repealing s. 218.321, F.S., relating to annual financial statements of local governmental entities; amending s. 218.39, F.S.; providing reporting requirements for certain special districts; amending s. 218.36, F.S.; revising reporting requirements for boards of county commissioners relating to the failure of a county officer to comply with the provisions of the section; amending s. 218.369, F.S.; revising the definition of "unit of local government" to include district school boards; renaming pt. V of ch. 218, F.S., as "Local Governmental Entity and District School Board Financial Emergencies"; amending s. 218.50, F.S.; renaming ss. 218.50-218.504, F.S., as the "Local Governmental Entity and District School Board Act"; amending s. 218.501, F.S.; revising the stated purposes of pt. V of ch. 218, F.S.; amending s. 218.502, F.S.; revising the definition of "local governmental entity"; amending s. 218.503, F.S.; revising provisions governing the determination of a financial emergency for local governments and district school boards; amending s. 218.504, F.S.; revising provisions relating to the authority of the Governor and authorizing the Commissioner of Education to terminate all state actions pursuant to ss. 218.50-218.504, F.S.; repealing ch. 131, F.S., consisting of ss. 131.01, 131.02, 131.03, 131.04, 131.05, and 131.06, F.S., relating to refunding bonds of counties, municipalities, and special districts; repealing s. 132.10, F.S., relating to minimum sale price of bonds; repealing s. 165.052, F.S., relating to special dissolution procedures for municipalities; repealing s. 189.409, F.S., relating to determination of financial emergencies of special districts; repealing s. 189.422, F.S., relating to actions of the Department of Community Affairs and special districts; repealing s. 200.0684, F.S., relating to an annual compliance report of the Department of Community Affairs regarding special districts; repealing s. 218.37(1)(h), F.S., relating to the requirement that the Division of Bond Finance use a served copy of the complaint for bond validation to verify compliance by special districts with the requirements in s. 218.38, F.S.; amending s. 215.195, F.S., relating to the Statewide Cost Allocation Plan; providing that the Department of Financial Services is responsible for the plan's preparation and the monitoring of agency compliance; amending s. 1010.47, F.S.; providing that school districts must sell bonds; deleting obsolete provisions relating to the sale of bonds by a school district; amending s. 288.9610, F.S.; correcting a cross-reference; authorizing a pilot program to be established by a rural health network in Monroe County; providing for approval by the Office of Insurance Regulation of the Financial Services Commission; requiring a report by a specified date; repealing s. 373.556, F.S., relating to the investment of funds by the governing board of a water management district; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Atwater, **CS for CS for CS for SB 708** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Bennett	Clary
Argenziano	Bullard	Constantine
Aronberg	Campbell	Cowin
Atwater	Carlton	Crist

Diaz de la Portilla	Lawson	Sebesta
Dockery	Lee	Siplin
Fasano	Lynn	Smith
Garcia	Margolis	Villalobos
Geller	Miller	Wasserman Schultz
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise
Klein	Saunders	

Nays—None

SB 1716—A bill to be entitled An act relating to the Classrooms for Kids Program; amending s. 1013.735, F.S.; modifying the formula to be used in allocating funds from the Classrooms for Kids appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Carlton, **SB 1716** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for SB 96—A bill to be entitled An act relating to the Department of Citrus; amending s. 601.155, F.S.; requiring the department to develop a process for persons liable for the equalizing excise tax to elect to not pay a portion of the tax; prohibiting the department from expending any remaining amount of excise tax moneys for advertising, marketing, or public-relations activities; providing for the dismissal of certain claims; requiring the Florida Citrus Commission to include a report by the internal auditor of the Department of Citrus as an agenda item at each regularly scheduled meeting; providing an effective date.

—was read the third time by title.

On motion by Senator Alexander, **CS for CS for SB 96** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for SB 2184—A bill to be entitled An act relating to student achievement; creating s. 1007.35, F.S.; providing a popular name; providing legislative intent; creating the Florida Partnership for Minority and Underrepresented Student Achievement; providing purposes and duties of the partnership; providing duties of the Department of Education and the participating partner; requiring the partnership to submit an annual evaluation report to the department; providing for funding the partnership; authorizing the State Board of Education to adopt rules; providing an effective date.

—was read the third time by title.

On motion by Senator Miller, **CS for CS for SB 2184** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

CS for CS for SB 2216—A bill to be entitled An act relating to public health care; amending s. 381.0012, F.S.; expanding the environmental health enforcement authority of the Department of Health; authorizing the department to issue citations or order payment of fines; providing requirements and limitations; providing a criminal penalty; providing for deposit and use of fines; amending s. 381.004, F.S.; providing additional criteria for release of HIV preliminary test results; amending s. 381.0065, F.S.; modifying standards for rulemaking applicable to regulation of onsite sewage treatment and disposal systems; revising research award qualifications; providing for an extended right of entry; amending s. 381.0101, F.S.; revising definitions; revising environmental health professional certification requirements; clarifying exemptions; creating s. 381.104, F.S.; creating an employee health and wellness program; providing requirements; authorizing state agencies to undertake certain activities relating to agency resources for program purposes; requiring each participating agency to make an annual report; providing duties of the department; amending s. 384.25, F.S.; revising reporting requirements for sexually transmissible diseases; authorizing the department to adopt rules; amending s. 384.31, F.S.; revising sexually transmissible disease testing requirements for pregnant women; providing notice requirements; creating s. 385.104, F.S.; establishing the Health Promotion and Health Education Statewide Initiative for certain purposes; providing requirements; authorizing the department to award funding to county health departments for certain purposes; providing funding requirements; providing participation requirements for county health departments; amending s. 945.601, F.S.; revising a cross-reference, to conform; creating s. 945.6038, F.S.; authorizing the State of Florida Correctional Medical Authority to enter into agreements with other state agencies to provide additional medical services; providing a limitation; amending s. 381.005, F.S.; requiring hospitals licensed under ch. 395, F.S., to implement a program offering immunizations against the influenza virus and pneumococcal bacteria to all patients who have attained a specified age; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for CS for SB 2216** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Aronberg	Bennett
Argenziano	Atwater	Bullard

Campbell	Geller	Posey
Carlton	Haridopolos	Pruitt
Clary	Hill	Saunders
Constantine	Jones	Sebesta
Cowin	Klein	Siplin
Crist	Lawson	Smith
Dawson	Lee	Villalobos
Diaz de la Portilla	Lynn	Wasserman Schultz
Dockery	Margolis	Webster
Fasano	Miller	Wise
Garcia	Peaden	
Nays—None		

CS for CS for SB 2288—A bill to be entitled An act relating to unclaimed property; amending s. 717.101, F.S.; providing definitions; amending ss. 717.106, 717.107, 717.109, and 717.116, F.S.; revising criteria for presuming as unclaimed certain bank deposits and funds in financial organizations, funds owing under life insurance policies, funds held by business associations, and property held in a safe-deposit box or other safekeeping repository, respectively; amending s. 717.117, F.S.; revising reporting requirements for unclaimed property; presuming certain accounts as unclaimed under certain circumstances; providing that certain intangible property is exempt from being reported as unclaimed property under certain conditions; amending s. 717.118, F.S.; providing requirements for notification of apparent owners of unclaimed property; amending s. 717.119, F.S.; revising requirements for delivery of certain unclaimed property; providing penalties for late deliveries; amending s. 717.1201, F.S.; revising certain holder payment and repayment requirements; amending s. 717.122, F.S.; revising certain public sale requirements; authorizing the Department of Financial Services to deduct certain auction fees, costs, and expenses; prohibiting actions or proceedings against the department for certain decisions relating to auctions of unclaimed property; specifying that certain sales of unclaimed property are not subject to the sales tax; amending s. 717.123, F.S.; increasing a maximum amount of funds the department may retain from certain funds received; amending s. 717.124, F.S.; providing additional requirements for filing unclaimed property claims; providing for the return or withdrawal of certain claims under certain circumstances; specifying a time period for department determination of claims; authorizing the department to deny claims under certain circumstances; specifying an exclusive remedy for subsequent claimants; revising requirements for a power of attorney; requiring direct delivery of safe-deposit boxes under certain circumstances; revising payment of fees and costs requirements; creating s. 717.12403, F.S.; providing presumptions for certain unclaimed demand, savings, or checking accounts in financial institutions with more than one beneficiary; creating s. 717.12404, F.S.; providing requirements for claims for property reported in the name of an active or dissolved corporation for which the last annual report is unavailable; creating s. 717.12405, F.S.; providing requirements for claims by estates; amending s. 717.1241, F.S.; revising requirements for remittance of property subject to conflicting claims; amending s. 717.1242, F.S.; clarifying legislative intent relating to filing certain claims; creating s. 717.1244, F.S.; providing criteria for department determinations of claims; amending s. 717.126, F.S.; providing a criterion for proof of entitlement; specifying venue in certain unclaimed property actions; creating s. 717.1261, F.S.; requiring a death certificate in claiming entitlement to certain unclaimed property; creating s. 717.1262, F.S.; requiring certain court documents in claiming entitlement to certain unclaimed property; amending s. 717.1301, F.S.; revising certain fee and expense requirements for investigations or examinations; providing for interest on such amounts under certain circumstances; amending s. 717.1315, F.S.; clarifying a record retention requirement for owner representatives; amending s. 717.132, F.S.; specifying criteria for certain corrective actions; creating s. 717.1322, F.S.; specifying grounds for certain disciplinary actions; providing for certain disciplinary actions; providing penalties; authorizing the department to adopt rules with regard to disciplinary guidelines; creating s. 717.1331, F.S.; providing for department actions against certain lienholders under certain circumstances; creating s. 717.1333, F.S.; providing for admitting certain documents into evidence in certain actions; amending s. 717.134, F.S.; authorizing the department to impose and collect penalties for failing to report certain information; authorizing the department waive such penalties under certain circumstances; creating s. 717.1341, F.S.; prohibiting receipt of unentitled unclaimed property; providing for liability for such property under certain circumstances; authorizing the department to

maintain certain civil or administrative actions; providing for fines, costs, and attorney fees; prohibiting filing claims for unentitled unclaimed property; providing criminal penalties; amending s. 717.135, F.S.; revising requirements for agreements to recover certain property; providing an agreement form; creating s. 717.1351, F.S.; providing requirements for acquisition of unclaimed property by certain persons; providing certain contract requirements; providing a contract form; creating s. 717.1400, F.S.; requiring certain licensed persons to register with the department for certain purposes; providing registration requirements; providing for denial of registration under certain circumstances; providing registration limitations; amending s. 212.02, F.S.; revising a definition to conform; amending ss. 322.142 and 395.3025, F.S.; providing for disclosure of certain confidential information to the department under certain circumstances; amending s. 723.103, F.S.; authorizing the court, under specified conditions, to extend the right of succession to surviving heirs when the decedent's lineage cannot be fully documented because it includes a Holocaust victim; limiting the application of statutes of limitation under certain circumstances; defining the term "Holocaust victim"; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Clary, **CS for CS for SB 2288** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 2640—A bill to be entitled An act relating to parenting coordination; amending s. 61.046, F.S.; providing definitions; creating s. 61.125, F.S.; creating the parenting coordination program; authorizing the court to appoint and discharge a parenting coordinator in certain proceedings; providing that communications with a parenting coordinator are not confidential except in certain situations; establishing the qualifications for a parenting coordinator; requiring the court to determine a party's financial ability to pay for certain services under certain circumstances; specifying powers and duties of a parenting coordinator; providing for compensation; restricting parenting coordinators from serving in certain cases; providing civil immunity for parenting coordinators acting within the scope of employment; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Villalobos, **CS for SB 2640** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Lawson
Argenziano	Dawson	Lee
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Bennett	Fasano	Miller
Bullard	Garcia	Peaden
Campbell	Geller	Posey
Carlton	Haridopolos	Pruitt
Clary	Hill	Saunders
Constantine	Jones	Sebesta
Cowin	Klein	Siplin

Smith
Villalobos

Wasserman Schultz
Webster

Wilson
Wise

Nays—None

HB 869—A bill to be entitled An act relating to adjudication of guilt; creating s. 775.08435, F.S.; prohibiting the withholding of adjudication of guilt upon defendants in felony cases in certain circumstances; providing exceptions; providing for appellate review in certain circumstances; amending s. 924.07, F.S.; providing for the state's right to appeal the withholding of adjudication in certain circumstances; repealing Rule 3.670, Florida Rules of Criminal Procedure, relating to rendition of judgment, to the extent of inconsistency with the act; providing for applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Villalobos, **HB 869** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SB 2810—A bill to be entitled An act relating to state university student athletic fees; amending s. 1009.24, F.S.; authorizing a fee increase to defray the costs of changing competitive divisions; providing that the increase may exceed the limit on fee increases; limiting such an increase to not more than \$2 per credit hour; requiring that such an increase be approved by the athletic fee committee; providing that the increase may not be included in calculating the amount a student receives for certain scholarship programs; providing an effective date.

—as amended April 23 was read the third time by title.

MOTION

On motion by Senator Alexander, the rules were waived to allow the following amendment to be considered:

Senator Alexander moved the following amendment:

Amendment 1 (970114)(with title amendment)—On page 2, lines 1-17, delete those lines and insert: *university may increase its athletic fee to defray the costs associated with changing National Collegiate Athletic Association divisions. Any such increase in the athletic fee may exceed both the 40 percent cap and the 5 percent cap imposed by this subsection. Any such increase must be approved by the athletic fee committee in the process outlined in subsection (11) and cannot exceed \$2 per credit hour. Notwithstanding the provisions of ss. 1009.534, 1009.535, and 1009.536, that portion of any increase in an athletic fee pursuant to this subsection that causes the sum of the activity and service, health, and athletic fees to exceed the 40 percent cap or the annual increase in such fees to exceed the 5 percent cap shall not be included in calculating the amount a student receives for a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award.* This subsection does not

And the title is amended as follows:

On page 1, lines 8-13, delete those lines and insert: *more than \$2 per credit hour; requiring approval of such increase; providing that such increase shall not be included in calculating the amount of certain student awards; providing an effective date.*

On motion by Senator Alexander, further consideration of **SB 2810** with pending **Amendment 1 (970114)** was deferred.

Consideration of **CS for CS for CS for SB 160** and **CS for CS for SB 2826** was deferred.

CS for SB 602—A bill to be entitled An act relating to funding for children's advocacy centers; creating s. 938.10, F.S.; imposing an additional court cost against persons who plead guilty or nolo contendere to, or who are found guilty of, certain crimes against minors; requiring the clerk of the court to deposit the proceeds of the court cost into the State Treasury for deposit into a specified trust fund to be used to fund children's advocacy centers; requiring the clerk of the court to retain a portion of the court cost as a service charge; requiring annual reports; requiring a report to the Legislature; amending s. 39.3035, F.S.; requiring compliance with specified statutory provisions in order for a child advocacy center to receive certain funding; directing the Florida Network of Children's Advocacy Centers, Inc., to document such compliance; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **CS for SB 602** was passed and certified to the House. The vote on passage was:

Yeas—36

Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bullard	Geller	Saunders
Campbell	Haridopolos	Sebesta
Carlton	Hill	Siplin
Clary	Jones	Smith
Constantine	Klein	Villalobos
Cowin	Lawson	Wasserman Schultz
Crist	Lee	Webster
Dawson	Margolis	Wilson
Diaz de la Portilla	Miller	Wise

Nays—None

Vote after roll call:

Yea—Alexander, Bennett, Lynn

The Senate resumed consideration of—

SB 2810—A bill to be entitled An act relating to state university student athletic fees; amending s. 1009.24, F.S.; authorizing a fee increase to defray the costs of changing competitive divisions; providing that the increase may exceed the limit on fee increases; limiting such an increase to not more than \$2 per credit hour; requiring that such an increase be approved by the athletic fee committee; providing that the increase may not be included in calculating the amount a student receives for certain scholarship programs; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (970114)** by Senator Alexander was adopted by two-thirds vote.

On motion by Senator Alexander, **SB 2810** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Alexander	Constantine	Hill
Argenziano	Cowin	Jones
Aronberg	Crist	Klein
Atwater	Dawson	Lawson
Bennett	Diaz de la Portilla	Lee
Campbell	Garcia	Lynn
Carlton	Geller	Margolis
Clary	Haridopolos	Miller

Peaden	Sebesta	Wasserman Schultz
Posey	Siplin	Webster
Pruitt	Smith	Wilson
Saunders	Villalobos	Wise

Nays—None

Vote after roll call:

Yea—Dockery, Fasano

CS for SB 606—A bill to be entitled An act relating to trust funds; creating the Child Advocacy Trust Fund within the Department of Children and Family Services; providing for sources of funds and purposes; specifying the use of collected funds; requiring the development of an allocation methodology for distributing funds deposited in the trust fund; providing for funds to establish children's advocacy centers; providing for future legislative review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Smith, **CS for SB 606** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

CS for SB 1172—A bill to be entitled An act relating to service charges; amending ss. 319.32 and 320.04, F.S.; increasing certain service charges for certificates of title and license plates, certain stickers, or registration certificates; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for SB 1172** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Votes Recorded:

April 29, 2004: Yea to Nay—Haridopolos

CS for CS for CS for SB 160—A bill to be entitled An act relating to child support; amending s. 61.046, F.S.; redefining the term "support order" for purposes of ch. 61, F.S., to include an order of an administrative agency; amending s. 61.13, F.S.; deleting the requirement that a child support order include the minor's social security number; amending s. 61.1301, F.S.; providing for continuation of a support obligation at the same amount after emancipation until any arrearage is satisfied; providing for application to support orders or income or income deduction orders entered before, on, or after July 1, 2004; requiring an obligor contesting an income deduction order rendered by the Title IV-D agency to file the petition with the Title IV-D agency; amending s. 61.14, F.S.; providing for the termination of the current child support obligation when the child emancipates unless certain conditions occur; providing for continuation of a support obligation at the same amount after emancipation until any arrearage is satisfied; providing for application to support orders entered before, on, or after July 1, 2004; amending s. 61.181, F.S.; requiring the clerk of the court to establish an account for interstate cases; amending s. 61.1814, F.S.; providing for types of moneys to be deposited into the Child Support Enforcement Application and Program Revenue Trust Fund; providing for the use of moneys deposited into the Child Support Enforcement Application and Program Revenue Trust Fund; amending s. 120.80, F.S.; providing for the location of an administrative hearing; amending ss. 382.013 and 382.016, F.S.; permitting voluntary acknowledgments of paternity which are witnessed; amending s. 409.2558, F.S.; providing for a notice to the noncustodial parent in applying an undistributable support collection to another support order; amending s. 409.2561, F.S.; providing for the Department of Revenue to establish the obligation of support; amending s. 409.2563, F.S.; providing for the noncustodial parent to request that the Department of Revenue proceed in circuit court to determine the support obligation; revising the requirements under which a noncustodial parent may petition the circuit court to determine the support obligation; providing that the Department of Revenue is a party to court action only with respect to issues of support; providing for the assignment of an account number with the depository upon initiating establishment of an administrative support order; revising the due date for an evaluation by the Office of Program Policy Analysis and Government Accountability; amending s. 409.25656, F.S.; providing for the recovery of fees in liquidating securities for the support owed; creating s. 409.25659, F.S.; providing for insurance claim data exchange; providing definitions; authorizing an insurer to participate in the data match system; providing for the payment of a fee to the insurer; providing limited immunity to the insurer; limiting the use of the data obtained by insurers from the department; requiring that certain data obtained by the department be destroyed; providing rulemaking authority; amending s. 409.257, F.S.; permitting the use of any means of service of process under ch. 48, F.S.; amending s. 409.2572, F.S.; revising the definition of noncooperation or failure to cooperate as applied to an applicant for or a recipient of public assistance; substituting the use of DNA sample for drawing a blood sample to confirm paternity; amending s. 409.259, F.S.; revising the manner of reimbursement to the clerk of the court for court filings in Title IV-D cases; amending s. 409.2598, F.S.; providing definitions; providing for the suspension of licenses under specified circumstances; amending s. 742.10, F.S.; permitting voluntary acknowledgments of paternity which are witnessed; providing legislative intent to address the child support issues of incarcerated noncustodial parents to improve their ability to meet child support obligations; requiring the Department of Revenue, with the assistance of the Department of Corrections, to identify inmates with child support obligations; requiring the Department of Corrections and Department of Revenue to jointly develop a plan to facilitate child support payment from incarcerated noncustodial parents upon release; providing for the minimum requirements of the plan; requires reports to the Governor and Legislature; providing effective dates.

—as amended April 23 was read the third time by title.

MOTION

On motion by Senator Lynn, the rules were waived to allow the following amendment to be considered:

Senator Lynn moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (624252)(with title amendment)—On page 41, line 24 through page 44, line 9, delete those lines and insert:

Section 20. (1) *The Legislature finds that the likelihood of a noncustodial parent paying child support is directly related to the parent's employment and economic situation, with the strongest predictor of paying child support being the number of weeks a noncustodial parent works. An accumulation of large child support debt upon release from prison is unlikely to motivate a parent to work more, but rather result in him or her not working at all or working in the underground economy. This has negative consequences for the parent and the State of Florida and ultimately, these child support debts are not in the best interest of the child.*

(2) *It is the intent of the Legislature for the Department of Revenue to work collaboratively with the Department of Corrections, the Agency for Workforce Innovation, the Office of the State Courts Administrator, local law enforcement, community-based and faith-based organizations, and any additional stakeholders to:*

(a) *Identify strategies that would maximize an inmate's chance of successfully reentering society and reconnecting with his or her children by providing financial and emotional support, without the burden of an unmanageable amount of child support debt.*

(b) *Identify strategies for increasing the collection of current support obligations from incarcerated parents including collecting the appropriate data to develop the strategies and educating the noncustodial parents on their child support obligation.*

(c) *Identifying strategies for building collaboration and data-sharing between the stakeholders, particularly the Department of Revenue and the Department of Corrections, relating to continuing the initiative to increase the collection of child support from incarcerated parents.*

(3) *The Department of Revenue shall submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives, by December 31, 2004, that includes the data collected on noncustodial parents who are inmates and the recommendations for implementing identified strategies.*

And the title is amended as follows:

On page 3, line 29 through page 4, line 7, delete those lines and insert: obligations; providing the intent of the Legislature for the Department of Revenue to work with other stakeholders to identify strategies to increase collection of child support from incarcerated parents; requiring a report to the Governor and Legislature; providing

On motion by Senator Lynn, **CS for CS for CS for SB 160** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for SB 2826—A bill to be entitled An act relating to public records; creating s. 409.25661, F.S.; exempting from public-records requirements certain records obtained by the Department of Revenue under an insurance claim data exchange system; providing for expiration of the exemption; providing for future legislative review and repeal; providing findings of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Lynn, **CS for CS for SB 2826** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

CS for CS for SB 1464—A bill to be entitled An act relating to patient safety; creating s. 381.0271, F.S.; providing definitions; creating the Florida Patient Safety Corporation, which shall be registered, incorporated, organized, and operated in compliance with ch. 617, F.S.; authorizing the corporation to create not-for-profit subsidiaries; specifying that the corporation is not an agency within the meaning of s. 20.03(11), F.S.; requiring the corporation to be subject to public meetings and records requirements; specifying that the corporation is not subject to the provisions of ch. 297, F.S., relating to procurement of personal property and services; providing a purpose for the corporation; establishing the membership of the board of directors of the corporation; requiring the formation of certain advisory committees for the corporation; requiring the Agency for Health Care Administration to provide assistance in establishing the corporation; specifying the powers and duties of the corporation; requiring annual reports; requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Agency for Health Care Administration and the Department of Health, to develop performance measures for the corporation; requiring a performance audit; requiring a report to the Governor and the Legislature; requiring the Patient Safety Center at the Florida State University College of Medicine to study the return on investment by hospitals from implementing computerized physician order entry and other information technologies related to patient safety; providing requirements for the study; requiring a report to the Governor and the Legislature; amending s. 395.1012, F.S.; providing additional duties of the patient safety committee at hospitals and other licensed facilities; requiring such facilities to adopt a plan to reduce medication errors and adverse drug events, including the use of computerized physician order entry and other information technologies; repealing s. 766.1016(3), F.S., which requires a patient safety organization to promptly remove patient-identifying information from patient safety data reported to the organization and requires such organization to maintain the confidentiality of patient-identifying information; providing appropriations; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Saunders, **CS for CS for SB 1464** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Diaz de la Portilla	Lynn
Argenziano	Dockery	Margolis
Aronberg	Fasano	Miller
Atwater	Garcia	Peaden
Bennett	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Saunders
Clary	Jones	Sebesta
Constantine	Klein	Siplin
Cowin	Lawson	Smith
Crist	Lee	Villalobos

Wasserman Schultz

Wilson

Wise

Webster

Nays—None

SB 2718—A bill to be entitled An act relating to the Florida Business Corporation Act; amending s. 607.1302, F.S.; clarifying a corporate action entitling a shareholder to certain appraisal rights and payments for shares; creating s. 607.1330, F.S.; providing requirements, procedures, and limitations on court actions; providing for entitlement to certain judgments; requiring corporate payments under certain circumstances; amending s. 607.1407, F.S.; revising certain notice requirements for dissolved corporations; revising a procedure to clarify an exemption for certain claims against dissolved corporations being barred; correcting a cross reference; reenacting ss. 607.1106(1)(g) and (2), 607.1107(2)(b), 607.1109(1)(g), and 607.1321(1), F.S., relating to effect of merger or share exchange, merger or share exchange with foreign corporations, articles of merger, and notice of intent to demand payment, to incorporate the amendment to s. 607.1302, F.S., in references thereto; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Klein, **SB 2718** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wise
Crist	Margolis	
Diaz de la Portilla	Miller	

Nays—None

CS for SB 2986—A bill to be entitled An act relating to education personnel; amending s. 943.0585, F.S.; providing for the expunging of criminal history records of applicants for employment at certain schools; amending s. 943.059, F.S.; providing an exception to sealed records provisions for applicants for employment at certain schools; amending s. 1002.33, F.S.; requiring charter school employees and governing board members to undergo background screening; amending s. 1004.04, F.S.; revising certain criteria for admission to approved teacher preparation programs; requiring a certification ombudsman; authorizing certain postsecondary institutions to develop and implement short-term teacher assistant experiences; creating s. 1004.85, F.S.; providing a definition; providing for postsecondary institutions to create educator preparation institutes; providing purpose of the institutes; authorizing institutes to offer alternative educator certification programs; requiring Department of Education response to a request for approval; providing criteria for alternative certification programs; providing requirements for program participants; providing for participants to receive a credential signifying mastery of professional preparation and education competence; authorizing school districts to use an alternative certification program at an educator preparation institute to satisfy certain requirements; requiring performance evaluations; requiring certain criteria for instructors; providing rulemaking authority; amending s. 1012.01, F.S.; specifying that the term “instructional personnel” includes K-12 personnel only; amending s. 1012.05, F.S.; requiring guidelines for teacher mentors; requiring electronic access to professional resources for teachers; creating an Educator Appreciation Week; requiring the Department of Education to notify teachers of legislation and rules that affect teachers; requiring school districts to submit e-mail addresses of school personnel to the Department of Education; requiring action by the Commissioner of Education in helping teachers meet highly qualified teacher criteria; amending s. 1012.231, F.S.; requiring the BEST teacher program to begin in

2005-2006; amending s. 1012.32, F.S.; requiring background screening for contractual personnel, charter school personnel, and certain instructional and noninstructional personnel; deleting provision for probationary status for new employees pending fingerprint processing; prohibiting certain persons from providing services; providing for appeals; providing for payment of costs; deleting a refingerprinting requirement; requiring the Department of Law Enforcement to retain and enter fingerprints into the statewide automated fingerprint identification system; requiring the Department of Law Enforcement to search arrest fingerprint cards against retained fingerprints and to report identified arrest records; providing school district responsibilities and the imposition of a fee; requiring refingerprinting for personnel whose fingerprints are not retained; amending s. 1012.33, F.S.; requiring district school boards to recognize years of service of certain employees; amending s. 1012.34, F.S.; providing additional reference to assessment criteria for instructional personnel and school administrators; amending s. 1012.35, F.S.; providing employment and training requirements for substitute teachers; amending s. 1012.39, F.S.; providing employment criteria for substitute teachers; creating s. 1012.465, F.S.; requiring background screening for certain noninstructional personnel and contractors with the school district; requiring such persons to report conviction of a disqualifying offense; providing for suspension of personnel who do not meet screening requirements; amending s. 1012.55, F.S.; providing departmental duties relating to identification of appropriate certification for certain instruction; requiring background screening for certain instructors; amending s. 1012.56, F.S.; providing for the issuance of renewal instructions and temporary certificates; clarifying circumstances for issuance of a status of eligibility statement; authorizing the filing of an affidavit with the application for a certificate; authorizing use of alternative certificates for demonstrating mastery of general knowledge, subject area knowledge, and professional preparation and education competence; authorizing an alternative route for demonstrating mastery of professional preparation and education competence; requiring background screening for educator certification; providing background screening requirements; requiring reporting of disqualifying offenses; providing for suspension from a position and suspension or revocation of certification; creating s. 1012.561, F.S.; requiring certified educators and applicants for certification to maintain a current address with the Department of Education; amending s. 1012.57, F.S.; adding a cross-reference to the background screening requirements; amending s. 1012.585, F.S.; requiring training in the teaching of reading for certified personnel who teach students who have limited English proficiency; amending s. 1012.79, F.S.; reducing the membership of Education Practice Commission review panels; amending s. 1012.795, F.S.; increasing the discipline options available to the Education Practices Commission; amending s. 1012.796, F.S.; revising the notice requirements and other procedures concerning the investigation of complaints against certified personnel and applicants for certification; requiring other state entities to provide information in connection with investigations; providing the conditions of probation; amending s. 1012.798, F.S.; revising procedures for accessing the recovery network program; reenacting ss. 112.1915(1)(b), 121.091(9)(b) and (13)(a), 1011.685(2)(b), and 1012.74(2)(a) and (b), F.S., relating to death benefits, retirement benefits, the operating categorical fund for class size reduction, and educators professional liability insurance protection, to incorporate the amendment to s. 1012.01, F.S., in references thereto; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Constantine, **CS for SB 2986** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Lawson
Argenziano	Dawson	Lee
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Bennett	Fasano	Miller
Bullard	Garcia	Peaden
Campbell	Geller	Posey
Carlton	Haridopolos	Pruitt
Clary	Hill	Saunders
Constantine	Jones	Sebesta
Cowin	Klein	Siplin

Smith
Villalobos

Wasserman Schultz
Webster

Wilson
Wise

Nays—None

CS for SB 1678—A bill to be entitled An act relating to public records; creating s. 39.2021, F.S.; authorizing a petition for an order to make public records pertaining to certain investigations by the Department of Children and Family Services; amending s. 119.01, F.S.; establishing state policy with respect to public records; requiring governmental agencies to consider certain factors in designing or acquiring electronic recordkeeping systems; providing certain restrictions with respect to electronic recordkeeping systems and proprietary software; requiring governmental agencies to provide copies of public records stored in electronic recordkeeping systems; authorizing agencies to charge a fee for such copies; specifying circumstances under which the financial, business, and membership records of an organization are public records; amending s. 119.011, F.S.; providing definitions; correcting cross-references; repealing ss. 119.0115, 119.012, and 119.02, F.S., relating to specified exemption for certain videotapes and video signals, records made public by the use of public funds, and penalties for violation of public records requirements by a public officer; amending s. 119.021, F.S.; providing requirements for governmental agencies in maintaining and preserving public records; requiring the Division of Library and Information Services of the Department of State to adopt rules for retaining and disposing of public records; authorizing the division to provide for archiving certain noncurrent records; providing for the destruction of certain records and the continued maintenance of certain records; providing for the disposition of records at the end of an official's term of office; requiring that a custodian of public records demand delivery of records held unlawfully; repealing ss. 119.031, 119.041, 119.05, and 119.06, F.S., relating to the retention, disposal, and disposition of public records and the delivery of records held unlawfully; amending s. 119.07, F.S.; revising provisions governing the inspection and copying of public records; establishing fees for copying; providing requirements for making photographs; authorizing additional means of inspecting or copying public records; providing requirements for making photographs of public records; relocating an exemption from public records requirements for any videotape or video signal that, under an agreement with an agency is produced, made, or received by or in the custody of a federally licensed radio or television station or its agents; repealing s. 119.08, F.S., relating to requirements for making photographs of public records; amending s. 119.084, F.S.; deleting certain provisions governing the maintenance of public records in an electronic recordkeeping system; repealing ss. 119.085 and 119.09, F.S., relating to remote electronic access to public records and the program for records and information management of the Department of State; amending s. 119.10, F.S.; clarifying provisions with respect to penalties for violations of ch. 119, F.S.; amending s. 119.105, F.S.; clarifying provisions under which certain police reports may be exempt from the public records law; amending s. 119.12, F.S.; conforming provisions; amending s. 120.55, F.S.; revising provisions with respect to publication of the Florida Administrative Code to provide that the Department of State is required to compile and publish the code through a continuous revision system; amending s. 257.36, F.S.; providing procedures with respect to the official custody of records upon the transfer of duties or responsibilities between state agencies or the dissolution of a state agency; amending s. 328.15, F.S.; revising the classification of records of notices and satisfaction of liens on vessels maintained by the Department of Highway Safety and Motor Vehicles; amending s. 372.5717, F.S.; revising the classification of records of hunter safety certification cards maintained by the Fish and Wildlife Conservation Commission; creating s. 415.1071, F.S.; authorizing a petition for an order making public certain investigatory records of the Department of Children and Family Services; amending s. 560.121, F.S.; decreasing and qualifying the period of retention for examination reports, investigatory records, applications, application records, and related information compiled by the Office of Financial Regulation of the Financial Services Commission under the Money Transmitters' Code; amending s. 560.123, F.S.; decreasing the period of retention for specified reports filed by money transmitters with the Department of Banking and Finance under the Money Transmitters' Code; amending s. 560.129, F.S.; decreasing and qualifying the period of retention for examination reports, investigatory records, applications, application records, and related information compiled by the Office of Financial Regulation of the Financial Services Commission under the Money Transmitters' Code; amending s. 624.311, F.S.; authorizing the Department of Financial Services, the Financial Services Commission, and the Office of Insurance Regulation of the

Financial Services Commission to maintain an electronic recordkeeping system for specified records, statements, reports, and documents; eliminating a standard for the reproduction of such records, statements, reports, and documents; amending s. 624.312, F.S.; providing that reproductions from an electronic recordkeeping system of specified documents and records of the Department of Financial Services, the Financial Services Commission, and the Office of Insurance Regulation of the Financial Services Commission shall be treated as originals for the purpose of their admissibility in evidence; amending s. 633.527, F.S.; decreasing the period of retention for specified examination test questions, answer sheets, and grades in the possession of the Division of State Fire Marshal of the Department of Financial Services; amending s. 655.50, F.S.; revising requirements of the Office of Financial Regulation with respect to retention of copies of specified reports and records of exemption submitted or filed by financial institutions under the Florida Control of Money Laundering in Financial Institutions Act; amending s. 945.25, F.S.; requiring the Department of Corrections to obtain and place in its records specified information on every person who may be sentenced to supervision or incarceration under the jurisdiction of the department; eliminating a requirement of the department, in its discretion, to obtain and place in its permanent records specified information on persons placed on probation and on persons who may become subject to pardon and commutation of sentence; amending s. 985.31, F.S.; revising the classification of specified medical files of serious or habitual juvenile offenders; repealing s. 212.095(6)(d), F.S., which requires the Department of Revenue to keep a permanent record of the amounts of certain refunds claimed and paid under ch. 212, F.S., and which requires that such records shall be open to public inspection; repealing s. 238.03(9), F.S., relating to the authority of the Department of Management Services to photograph and reduce to microfilm as a permanent record its ledger sheets showing the salaries and contributions of members of the Teachers' Retirement System of Florida, the records of deceased members of the system, and the authority to destroy the documents from which such films derive; amending ss. 23.22, 27.02, 101.5607, 112.533, 1012.31, 257.34, 257.35, 282.21, 287.0943, 320.05, 322.20, 338.223, 401.27, 409.2577, 455.219, 456.025, 627.311, 627.351, 633.527, 668.50, 794.024, and 921.0022, F.S.; conforming cross-references; reenacting s. 947.13(2)(a), F.S., relating to the duty of the Parole Commission to examine specified records, to incorporate the amendment to s. 945.25, F.S., in a reference thereto; repealing s. 430.015, F.S.; removing a public necessity statement for a public records exemption for identifying information contained in records of elderly persons collected and held by the Department of Elderly Affairs; amending s. 440.132, F.S.; removing a public necessity statement for a public records exemption for investigatory records of the Agency for Health Care Administration made or received pursuant to a workers' compensation managed care arrangement and examination records necessary to complete an investigation; repealing s. 723.0065, F.S.; removing a public necessity statement for a public records exemption for specified financial records of mobile home park owners acquired by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation, and the Bureau of Mobile Homes of the division; repealing s. 768.301, F.S.; removing a public necessity statement for a public records exemption for certain claims files records and minutes of meetings and proceedings relating to risk management programs entered into by the state and its agencies and subdivisions, and a public meetings exemption for proceedings and meetings regarding claims filed; amending s. 943.031, F.S.; removing a public necessity statement for a public records and public meetings exemption for specified portions of meetings of the Florida Violent Crime and Drug Control Council, specified portions of public records generated at closed council meetings, and documents related to active criminal investigations or matters constituting active criminal intelligence; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Wise, **CS for SB 1678** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander
Argenziano
Aronberg
Atwater
Bennett
Bullard

Campbell
Carlton
Clary
Constantine
Cowin
Crist

Dawson
Diaz de la Portilla
Dockery
Fasano
Garcia
Geller

Haridopolos	Margolis	Siplin
Hill	Miller	Smith
Jones	Peaden	Villalobos
Klein	Posey	Wasserman Schultz
Lawson	Pruitt	Webster
Lee	Saunders	Wilson
Lynn	Sebesta	Wise

Nays—None

Vote after roll call:

Yea—Sebesta

Nay to Yea—Bullard

SB 2016—A bill to be entitled An act relating to home inspection services; creating s. 501.935, F.S.; providing for licensure of persons providing home inspection services; providing legislative intent and definitions; providing standards of practice; creating the Florida Home Inspection Advisory Council; providing licensure requirements, including grandfathering provisions; providing exemptions; providing prohibited acts and penalties; providing for complaints and discipline; providing fees; requiring liability insurance; exempting from duty to provide repair cost estimates; providing for reciprocity; providing continuing education requirements; providing limitations; providing for enforcement of violations; providing an appropriation and authorizing positions; providing an effective date.

—as amended April 23 was read the third time by title.

MOTION

On motion by Senator Diaz de la Portilla, the rules were waived to allow the following amendments to be considered:

Senator Diaz de la Portilla moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (115044)—On page 5, lines 13 and 14, delete those lines and insert:

(b) *Have successfully completed high school, its equivalent, or have been in the business of home inspection services for at least 5 years.*

Amendment 2 (492710)—On page 5, lines 13 and 14, delete those lines and insert:

(b) *Have successfully completed high school, its equivalent, or have been in the business of home inspection services for at least 5 years.*

RECONSIDERATION OF AMENDMENTS

On motion by Senator Diaz de la Portilla, the Senate reconsidered the vote by which **Amendment 2 (492710)** was adopted. **Amendment 2** was withdrawn.

On motion by Senator Diaz de la Portilla, the Senate reconsidered the vote by which **Amendment 1 (115044)** was adopted. **Amendment 1** was adopted by two-thirds vote.

On motion by Senator Diaz de la Portilla, **SB 2016** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Alexander	Diaz de la Portilla	Margolis
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Campbell	Haridopolos	Siplin
Carlton	Hill	Smith
Clary	Jones	Villalobos
Constantine	Klein	Wasserman Schultz
Cowin	Lawson	Webster
Crist	Lee	Wilson
Dawson	Lynn	Wise

Nays—1

Bullard

CS for SB 1970—A bill to be entitled An act relating to mediation alternatives to judicial action; amending s. 44.102, F.S.; deleting language regarding the disclosure of specified information made during court-ordered mediation; amending s. 44.107, F.S.; providing immunity from liability for trainees in the Supreme Court's mentorship program; providing immunity from liability for persons serving as mediators in specified circumstances; amending s. 44.201, F.S.; deleting language regarding disclosure of specified information held by Citizen Dispute Resolution Centers; creating ss. 44.401-44.406, F.S.; providing a popular name; providing for the creation of the Mediation Confidentiality and Privilege Act; providing for application; providing definitions; specifying when a mediation begins and ends; providing for confidentiality of mediation communications; providing for a privilege; providing exceptions; providing for civil remedies; providing a statute of limitation; providing an exception; amending s. 61.183, F.S.; deleting language regarding disclosure of specified information made during cases; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Campbell, **CS for SB 1970** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 2136—A bill to be entitled An act relating to health care; amending s. 456.025, F.S.; deleting requirements for the Department of Health to administer an electronic continuing education tracking system for health care practitioners; creating s. 456.0251, F.S.; providing for enforcement of continuing education requirements required for license renewal; authorizing citations and fines to be imposed for failure to comply with required continuing education requirements; amending s. 456.072, F.S.; providing for discipline of licensees who fail to meet continuing education requirements as a prerequisite for license renewal three or more times; amending s. 395.003, F.S.; requiring a report by the Agency for Health Care Administration regarding the licensure of emergency departments located off the premises of hospitals; prohibiting the issuance of licenses for such departments before July 1, 2005; amending s. 401.113, F.S.; requiring that a recipient of funds from the Emergency Medical Services Trust Fund return unexpended funds to the Department of Health at the end of the grant period; authorizing the expenditure of interest generated from grant funds under certain circumstances; amending s. 401.27, F.S.; authorizing the electronic submission of an application for certification as an emergency medical technician or paramedic; requiring that rules of the department provide for the approval of certain equivalent courses for purposes of certification; deleting provisions authorizing the department to issue a temporary certification; requiring that a person wearing emergency medical technician or paramedic insignia must be functioning in that capacity when doing so; creating s. 401.27001, F.S.; providing requirements for background screening for applicants for initial certification as an emergency medical technician or paramedic and for renewal of certification; requiring an applicant to pay the costs of screening; requiring that fingerprints be

submitted to the Department of Law Enforcement and forwarded to the Federal Bureau of Investigation; specifying the offenses that are grounds for denial of certification; authorizing the department to grant an exemption to an applicant, notwithstanding certain convictions; requiring the department to adopt rules; amending s. 401.2701, F.S.; requiring that a training program for emergency medical technicians and paramedics include information concerning the requirements for background screening; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Saunders, **CS for SB 2136** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 295—A bill to be entitled An act relating to fleeing or attempting to elude a law enforcement officer; amending s. 316.1935, F.S.; providing an additional classification for the offense of fleeing or attempting to elude a law enforcement officer; providing an additional classification for the offense of aggravated fleeing or eluding; providing and revising elements of the offenses; providing and revising criminal penalties for the offenses of fleeing or attempting to elude a law enforcement officer and aggravated fleeing or eluding with serious bodily injury or death; providing for a minimum period of incarceration in certain circumstances involving serious bodily injury or death; providing an affirmative defense to fleeing or attempting to elude a law enforcement officer under certain circumstances; prohibiting courts from suspending, deferring, or withholding adjudication of guilt or imposition of sentence in certain circumstances; providing for seizure and forfeiture of certain motor vehicles as contraband in certain circumstances; amending s. 921.0022, F.S.; ranking and revising fleeing or attempting to elude a law enforcement officer offense classifications on the offense severity ranking chart of the Criminal Punishment Code; ranking the offense of aggravated fleeing or eluding with serious bodily injury or death on the offense severity ranking chart of the Criminal Punishment Code; reenacting ss. 318.17(1) and 322.61(1)(d), F.S.; incorporating the amendment to s. 316.1935, F.S., in references thereto; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Lynn, **HB 295** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wise
Crist	Margolis	

Nays—4

Dawson Hill	Siplin	Wilson
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On motion by Senator Villalobos, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **CS for CS for SB 2498** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations.

BILLS ON THIRD READING, continued

CS for SB 2268—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; redefining the terms "corporate officer," "employee," and "employer"; providing members of limited liability companies similar authority to elect exemption from workers' compensation coverage as corporate officers; amending ss. 440.05, 440.077, F.S.; providing technical and conforming changes relating to exemptions from coverage requirements; amending s. 440.093, F.S.; providing exceptions for limitations on benefits for mental and nervous injuries; amending s. 440.105, F.S.; deleting the prohibition against specified acts; providing for carriers and self-insured employers to verify whether benefit recipients are concurrently listed as employees of an employing unit; amending s. 440.106, F.S.; providing a technical and conforming change relating to notification requirements; amending s. 440.107, F.S.; providing technical and conforming changes relating to exemptions from coverage requirements; amending s. 440.13, F.S.; revising method of calculating the value of attendant care services; revising provisions relating to penalties with respect to payment of medical bills; revising practice parameters applicable to medical care; amending ss. 440.14, 440.15, F.S.; correcting cross-references; amending s. 440.20, F.S.; providing duties of the Department of Financial Services in ensuring timely payment of benefits; deleting provisions that require an ongoing examination of certain claims files and provide for imposition of fines, that prohibit recoupment of penalties through rate filings, and that authorize rules for audit and standards of the Automated Carrier Performance System; amending s. 440.381, F.S.; revising penalties relating to applications for coverage; amending s. 440.525, F.S.; providing for examination of certain entities and reports; providing for the department to examine claims files for questionable claims handling practices or a pattern of unreasonably controverted claims; providing for interviews of certain witnesses; prohibiting recoupment of a penalty through a rate base, premium, or rate filing; amending s. 921.0022, F.S.; revising criminal offense severity ranking chart with respect to specified offenses involving workers' compensation; providing an effective date.

—as amended April 23 was read the third time by title.

MOTION

On motion by Senator Atwater, the rules were waived to allow the following amendment to be considered:

Senator Atwater moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (754782)—On page 10, lines 18-20, delete those lines and insert: trustees of any person. "Employer" also includes ~~employee~~ ~~agent~~ ~~agencies~~, employee leasing companies, *establishments primarily engaged in supplying temporary or continuing help on a contract or fee basis where the help supplied is always on the payroll of the supplying establishment but under the direct or general supervision of the business to which the help is furnished and similar agents who provide employees to other persons.* If the employer is a

On motion by Senator Posey, **CS for SB 2268** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Aronberg	Bennett
Argenziano	Atwater	Bullard

Campbell	Geller	Posey
Carlton	Haridopolos	Pruitt
Clary	Hill	Saunders
Constantine	Jones	Sebesta
Cowin	Klein	Siplin
Crist	Lawson	Smith
Dawson	Lee	Villalobos
Diaz de la Portilla	Lynn	Wasserman Schultz
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise
Nays—None		

CS for CS for SB 2270—A bill to be entitled An act relating to workers' compensation; amending s. 440.107, F.S.; authorizing the department to issue an order of conditional release from a stop-work order if an employer complies with coverage requirements and a penalty payment agreement; amending s. 627.311, F.S.; establishing three tiers of employers eligible for coverage under the plan; providing for criteria and rates for each tier; deleting references to subplans; providing for assessments to cover deficits in tiers one and two; providing procedures to collect the assessment; exempting the plan from specified premium tax and assessments; amending s. 627.0915, F.S., relating to drug-free workplace discounts; providing for notice by insurers to employers of the availability of premium discounts where certain drug-free workplace programs are used; appropriating moneys from the Workers' Compensation Administration Trust Fund to fund plan deficits; providing transitional provisions to subplan "D" policies; providing legislative intent to create a state workers' compensation mutual fund under certain conditions; establishing the Workers' Compensation Insurance Market Evaluation Committee; providing for appointment of members; requiring the committee to monitor and report; requiring the Office of Insurance Regulation and workers' compensation insurers to report certain information; specifying meeting dates and interim reports for the committee; providing for reimbursement for travel and per diem; providing legislative intent as to the type of mutual fund it intends to create; prohibiting insurers from providing coverage to any person who is an affiliated person of a person who is delinquent in the payment of premiums, assessments, penalties, or surcharges owed to the plan; amending s. 440.16(7), F.S., which limits workers' compensation benefits to a nonresident alien for the death of the worker; providing effective dates.

—as amended April 23 was read the third time by title.

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendment to be considered:

Senator Posey moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (800610)(with title amendment)—On page 23, between lines 25 and 26, insert:

Section 3. *The Auditor General shall perform an operational audit, as defined in section 11.45(1), Florida Statutes, of the Workers' Compensation Joint Underwriting Association created under section 627.311(5), Florida Statutes. The scope of the audit shall also include:*

(1) *An analysis of the adequacy and appropriateness of the rates and reserves of the association. The Auditor General shall engage an independent consulting actuary who is an enrolled actuary to evaluate the rates and the reserves of the association.*

(2) *An evaluation of costs associated with the administration and servicing of the policies issued by the association to determine alternatives by which costs can be reduced.*

The Auditor General shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than October 1, 2004.

Section 4. *The Workers' Compensation Joint Underwriting Association is subject to the Florida Single Audit Act, as provided in section 215.97, Florida Statutes, if the association expends a total amount of*

state financial assistance equal to or in excess of \$300,000 in any fiscal year. Such audit reports shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor pursuant to section 215.97, Florida Statutes.

Section 5. *The sum of \$50,000 in nonrecurring funds is appropriated from the Workers' Compensation Administration Trust Fund to the Office of the Auditor General for the purpose of engaging an actuary to evaluate the rates and reserves of the Florida Workers' Compensation Joint Underwriting Association as required by section 3.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: requiring the Auditor General to conduct an operational audit of the association; requiring the association to comply with the Florida Single Audit Act, if certain conditions are met; providing appropriations;

On motion by Senator Posey, **CS for CS for SB 2270** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 2472—A bill to be entitled An act relating to motor vehicle speed competitions; amending s. 316.191, F.S.; defining the term "conviction"; specifying that the offense applies to motor vehicles; revising penalties for violation of prohibitions against described motor vehicle speed competitions; providing for application of the Florida Contraband Forfeiture Act; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **CS for SB 2472** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

CS for CS for SB 1060—A bill to be entitled An act relating to child support; amending ss. 61.14 and 742.031, F.S.; providing for the modification of temporary support orders; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Campbell, **CS for CS for SB 1060** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for SB 1154 and CS for SB 1462—A bill to be entitled An act relating to health care practitioners; amending s. 456.025, F.S.; deleting requirements for the Department of Health to administer an electronic continuing education tracking system for health care practitioners; creating s. 456.0251, F.S.; providing for enforcement of continuing education requirements required for license renewal; authorizing citations and fines to be imposed for failure to comply with required continuing education requirements; amending s. 456.072, F.S.; providing for discipline of licensees who fail to meet continuing education requirements as a prerequisite for license renewal three or more times; creating s. 381.03015, F.S.; providing legislative intent with respect to a health care practitioner workforce database; providing definitions; creating the Florida Health Care Practitioner Workforce Database within the Department of Health; authorizing the database to be implemented in stages; giving priority in the database for information concerning allopathic and osteopathic physicians; specifying data elements of allopathic and osteopathic physicians for inclusion in the database; requiring that data for the health care practitioner workforce database be gathered from existing data sources; requiring certain entities to provide data elements to the department; authorizing the department to create an advisory committee; requiring the department to adopt rules; providing that the act will not take effect unless funds are specifically appropriated for this purpose; prohibiting the use of a specified trust fund to administer the act; amending s. 456.039, F.S.; revising the requirements for updating the information submitted by designated health care professionals for licensure and license renewal; authorizing the Department of Health to receive automated criminal arrest information concerning health care professionals who are subject to the profiling requirements; requiring certain health professionals to submit fingerprints to the Department of Health and to pay fees for a criminal history records check; amending s. 456.0391, F.S.; revising the requirements for information submitted by advanced registered nurse practitioners for certification; authorizing the Department of Health to receive automated criminal arrest information concerning health care professionals who are subject to the profiling requirements; requiring certain health professionals to submit fingerprints to the Department of Health and to pay fees for a criminal history records check; requiring applications for a physician license and license renewal to be submitted electronically by a specified date; amending s. 456.042, F.S.; requiring designated health care practitioners to electronically submit updates of required information for compilation into practitioner profiles; amending s. 456.051, F.S.; revising requirements for the Department of Health to publish reports of claims or actions for damages for certain health care practitioners on the practitioner profiles; amending ss. 458.319, 459.008, 460.407, and 461.007, F.S.; revising requirements for physician licensure renewal; authorizing the Department of Health to gain access to renewal applicants' records in an automated system maintained by the Department of Law Enforcement; amending s. 461.014, F.S.; providing that each hospital annually provide a list of podiatric residents; providing an appropriation; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Peaden, **CS for CS for SB 1154 and CS for SB 1462** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lawson	Webster
Cowin	Lee	Wilson
Crist	Lynn	Wise
Dawson	Margolis	
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Bennett, Siplin

CS for CS for CS for SB 1680—A bill to be entitled An act relating to the licensure of health care providers; designating parts I, II, III, and IV of ch. 408, F.S., relating to health care administration; creating ss. 408.801-408.819, F.S.; amending ss. 400.991, 400.9915, 400.992, 400.9925, 400.993, 400.9935, and 400.995, F.S., and repealing ss. 400.9905(2), 400.994, and 400.9945, F.S., relating to health care clinics; defining terms; providing licensure requirements for mobile clinics; prohibiting the transfer of certain exemptions; providing for the expiration of certain temporary licenses; providing for the refund of certain fees; exempting certain persons from license application deadlines; requiring health care clinics to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; authorizing the agency to adopt rules; providing for administrative fines; conforming provisions with the requirements of part II of ch. 408, F.S.; providing requirements for license application; providing for late fees; providing duties of the agency, including requirements for inspections; authorizing the electronic submission of information to the agency; providing requirements for licensure upon a change of ownership of a provider; specifying license categories; requiring background screening of a licensee, administrator, financial officer, or controlling interest; providing minimum licensure requirements; providing requirements for a licensee that discontinues operation; requiring that notice be provided to clients; requiring a licensee to inform clients of certain rights; requiring an applicant for licensure to provide proof of liability insurance and financial ability to operate; authorizing the agency to make inspections and investigations; prohibiting certain unlicensed activity; providing penalties; providing for administrative fines; authorizing the agency to impose a moratorium under certain circumstances; specifying grounds under which the agency may deny or revoke a license; authorizing the agency to institute proceedings for an injunction against a provider; requiring that fees and fines be deposited into the Health Care Trust Fund and used for administering the laws and rules governing providers; providing rulemaking authority; amending s. 112.045, F.S., relating to the Drug-Free Workplace Act; requiring drug-testing laboratories to be in compliance with part II of ch. 408, F.S.; deleting obsolete and repetitive provisions; providing for rules and licensure fees; amending ss. 383.301, 383.305, 383.309, 383.315, 383.324, 383.33, and 383.335, F.S., and repealing ss. 383.304, 383.325, 383.331, and 383.332, F.S., relating to the Birth Center Licensure Act; requiring birth centers to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; authorizing the agency to adopt rules; providing for administrative fines; conforming provisions with the requirements of part II of ch. 408, F.S.; amending ss. 390.011, 390.012, 390.014, and 390.018, F.S., and repealing ss. 390.013, 390.015, 390.016, 390.017, 390.019, and 390.021, F.S., relating to the regulation of abortion clinics; requiring abortion clinics to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; authorizing the agency to adopt rules; providing for administrative fines; amending s. 400.9905, F.S.; revising the definitions of "clinic" and "medical director" and defining "mobile clinic" and "portable equipment provider" for purposes of the Health Care Clinic Act; providing that certain entities providing oncology or radiation therapy services are exempt from the licensure requirements of part

XIII of ch. 400, F.S.; providing legislative intent with respect to such exemption; providing for retroactive application; amending s. 400.991, F.S.; requiring each mobile clinic to obtain a health care clinic license; requiring a portable equipment provider to obtain a health care clinic license for a single office and exempting such a provider from submitting certain information to the Agency for Health Care Administration; revising the date by which an initial application for a health care clinic license must be filed with the agency; revising the definition of "applicant"; amending s. 400.9935, F.S.; providing that an exemption from licensure is not transferable; providing that the agency may charge a fee of applicants for certificates of exemption; providing that the agency may deny an application or revoke a license under certain circumstances; amending s. 400.995, F.S.; providing that the agency may deny, revoke, or suspend specified licenses and impose fines for certain violations; providing that a temporary license expires after a notice of intent to deny an application is issued by the agency; providing that persons or entities made exempt under the act and which have paid the clinic licensure fee to the agency are entitled to a partial refund from the agency; providing that certain persons or entities are not in violation of part XIII of ch. 400, F.S., due to failure to apply for a clinic license by a specified date; providing that certain payments may not be denied to such persons or entities for failure to apply for or obtain a clinic license before a specified date; requiring substance abuse or mental health facilities, programs, and services to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; authorizing the agency to adopt rules; providing for administrative penalties; conforming provisions with the requirements of part II of ch. 408, F.S.; amending ss. 395.003, 395.004, 395.0161, 395.0163, 395.0199, 395.1046, 395.1055, and 395.1065, F.S., and repealing ss. 395.002(4), 395.0055, and 395.0162, F.S., relating to hospitals and other licensed facilities; requiring hospitals and other licensed facilities to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; authorizing the agency to adopt rules; providing for administrative fines; conforming provisions with the requirements of part II of ch. 408, F.S.; amending s. 395.1041, F.S.; requiring a facility licensed under ch. 395, F.S., to withhold or withdraw cardiopulmonary resuscitation when presented with an order not to resuscitate; creating s. 395.10411, F.S.; providing requirements to be carried out by a facility licensed under ch. 395, F.S., when a patient has an advance directive, has an order not to resuscitate, or is a designated organ donor; amending s. 765.1105, F.S.; requiring a health care provider that refuses to carry out a patient's advance directive to transfer the patient within a specified time to a health care provider that will comply with the advance directive; creating s. 765.1021, F.S., to encourage physicians and patients to discuss end-of-life care and to specify when an advance directive be part of the patient's medical record; amending s. 765.304, F.S.; requiring an attending physician who refuses to comply with a person's living will to transfer the person to a physician who will comply; amending s. 395.0197, F.S.; providing that a health care facility must use the services of, rather than hire, a risk manager; restricting the number of internal risk management programs in separate hospitals which may be the responsibility of a risk manager; providing exceptions; amending ss. 395.10973, 395.10974, and 395.10975, F.S., relating to health care risk managers; requiring health care risk managers to comply with part II of ch. 408, F.S.; providing for fees; authorizing the agency to adopt rules; providing for administrative fines; conforming provisions with the requirements of part II of ch. 408, F.S.; amending s. 400.21, F.S.; providing that certain registered nurses may sign a resident care plan; amending ss. 400.022, 400.051, 400.062, 400.063, 400.071, 400.102, 400.111, 400.1183, 400.121, 400.141, 400.17, 400.179, 400.18, 400.19, 400.191, 400.20, 400.211, and 400.23, F.S., and repealing ss. 400.021(5) and (20), 400.125, and 400.241(1) and (2), F.S., relating to nursing homes; requiring nursing homes to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; authorizing the agency to adopt rules; providing for administrative fines; revising reporting requirements; conforming provisions with the requirements of part II of ch. 408, F.S.; creating s. 400.0712, F.S.; authorizing the Agency for Health Care Administration to issue an inactive license to a nursing home facility for all or a portion of its beds; providing procedures when applying for an inactive license; permitting the agency to issue an inactive license to a nursing home that chooses to use an unoccupied contiguous portion of the facility for an alternative use to meet the needs of elderly persons through the use of less restrictive, less institutional services; providing that an inactive license issued may be granted for specified periods of time; directing that a nursing home that receives an inactive license to provide alternative services may not receive preference for participation in the Assisted Living for the Elderly Medicaid waiver; providing that reactivation of an inactive license requires the applicant to meet certain specified conditions; amending ss. 400.402, 400.407, 400.4075, 400.408,

400.411, 400.412, 400.414, 400.417, 400.4174, 400.4176, 400.418, 400.419, 400.42, 400.424, 400.4255, 400.4256, 400.427, 400.4275, 400.431, 400.434, 400.441, 400.442, 400.444, 400.452, and 400.454, F.S., and repealing ss. 400.415, 400.4178(7), 400.435(1), 400.447(1), (2), and (3), and 400.451, F.S., relating to assisted living facilities; requiring assisted living facilities to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; requiring assisted living facilities to conduct resident elopement prevention and response drills; authorizing the agency to adopt rules; providing for administrative fines; conforming provisions with the requirements of part II of ch. 408, F.S.; amending s. 400.487, F.S.; revising home health agency service agreements and treatment orders; amending ss. 400.464, 400.471, 400.474, 400.484, 400.494, 400.495, 400.497, 400.506, 400.509, and 400.512, F.S., and repealing s. 400.515, F.S., relating to home health agencies and nurse registries; requiring home health agencies and nurse registries to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; authorizing the agency to adopt rules; providing for administrative fines; conforming provisions with the requirements of part II of ch. 408, F.S.; amending ss. 400.551, 400.554, 400.555, 400.556, 400.5565, 400.557, 400.5572, 400.559, 400.56, and 400.562, F.S., and repealing ss. 400.5575, 400.558, and 400.564, F.S., relating to adult day care centers; requiring adult day care centers to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; authorizing the agency to adopt rules; providing for administrative fines; conforming provisions with the requirements of part II of ch. 408, F.S.; amending ss. 400.602, 400.605, 400.606, 400.6065, 400.607, and 400.6095, F.S., relating to hospices; requiring hospices to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; authorizing the agency to adopt rules; providing for administrative fines; conforming provisions with the requirements of part II of ch. 408, F.S.; amending ss. 400.617, 400.619, 400.6194, 400.6196, 400.621, 400.6211, and 400.625, F.S., and repealing s. 400.622, F.S., relating to adult family-care homes; requiring adult family-care homes to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; authorizing the agency to adopt rules; providing for administrative fines; conforming provisions with the requirements of part II of ch. 408, F.S.; amending ss. 400.801 and 400.805, F.S., relating to homes for special services and transitional living facilities; requiring such homes and facilities to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; authorizing the agency to adopt rules; providing for administrative fines; conforming provisions with the requirements of part II of ch. 408, F.S.; amending ss. 400.902, 400.903, 400.905, 400.907, 400.908, 400.912, 400.914, and 400.915, F.S., and repealing ss. 400.906, 400.910, 400.911, 400.913, 400.916, and 400.917, F.S., relating to prescribed pediatric extended care centers; requiring such centers to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; authorizing the agency to adopt rules; providing for administrative fines; conforming provisions with the requirements of part II of ch. 408, F.S.; amending ss. 400.925, 400.93, 400.931, 400.932, 400.933, and 400.935, F.S., and repealing ss. 400.95, 400.953(2), 400.955(4), and 400.956, F.S., relating to home medical equipment providers; requiring home medical equipment providers to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; authorizing the agency to adopt rules; providing for administrative fines; conforming provisions with the requirements of part II of ch. 408, F.S.; amending ss. 400.960, 400.962, 400.967, 400.968, and 400.969, F.S., and repealing ss. 400.963 and 400.965, F.S., relating to intermediate care facilities for the developmentally disabled; requiring such facilities to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; authorizing the agency to adopt rules; providing for administrative fines; conforming provisions with the requirements of part II of ch. 408, F.S.; amending s. 400.908, F.S.; requiring health care services pools to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; authorizing the agency to adopt rules; providing for administrative fines; conforming provisions with the requirements of part II of ch. 408, F.S.; amending ss. 400.991, 400.9915, 400.992, 400.9925, 400.993, 400.9935, and 400.995, F.S., and repealing ss. 400.9905(2), 400.994, and 400.9945, F.S., relating to health care clinics; requiring health care clinics to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; authorizing the agency to adopt rules; providing for administrative fines; conforming provisions with the requirements of part II of ch. 408, F.S.; amending s. 408.036, F.S.; revising the prerequisites for allowing an exemption from certificate-of-need review for adding skilled nursing facility beds to a licensed skilled nursing facility or for construction of a skilled nursing facility; allowing such an exemption only in counties having a specified maximum population; amending s. 408.831, F.S., relating to the authority of the Agency for Health Care Administration to impose certain penalties against a regulated or licensed entity; conforming provisions to changes made by the

act; amending s. 440.102, F.S., relating to the drug-free workplace program; requiring laboratories to be in compliance with the requirements of part II of ch. 408, F.S.; conforming provisions to changes made by the act; amending s. 468.711, F.S.; deleting the requirement that continuing education for athletic trainers include first aid; amending s. 468.723, F.S.; revising exemptions from licensure requirements; amending s. 1012.46, F.S.; providing that a first responder for a school district may not represent himself or herself as an athletic trainer; amending ss. 483.035, 483.051, 483.061, 483.091, 483.101, 483.111, 483.172, 483.201, 483.221, and 483.23, F.S., and repealing ss. 483.131 and 483.25, F.S., relating to clinical laboratories; requiring clinical laboratories to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; authorizing the agency to adopt rules; providing for administrative fines; conforming provisions with the requirements of part II of ch. 408, F.S.; amending ss. 483.291, 483.294, 483.30, 483.302, and 483.32, F.S., and repealing ss. 483.311, 483.317(1), 483.322(1), and 483.328, F.S., relating to multiphasic health testing centers; requiring such centers to be in compliance with part II of ch. 408, F.S.; providing for licensure fees; authorizing the agency to adopt rules; providing for administrative fines; conforming provisions with the requirements of part II of ch. 408, F.S.; providing for ss. 408.801-408.819, F.S., to prevail in the case of a conflict with other laws governing the licensure of health care providers by the agency; authorizing the agency to issue a license for less than a specified period and to charge a prorated fee; amending s. 651.118, F.S.; revising standards for use of sheltered nursing home beds by certain persons; amending s. 456.025, F.S.; deleting requirements for the Department of Health to administer an electronic continuing education tracking system for health care practitioners; creating s. 456.0251, F.S.; providing for enforcement of continuing education requirements required for license renewal; authorizing citations and fines to be imposed for failure to comply with required continuing education requirements; amending s. 456.072, F.S.; providing for discipline of licensees who fail to meet continuing education requirements as a prerequisite for license renewal three or more times; providing a short title; requiring the Agency for Workforce Innovation to establish a pilot program for delivery of certified geriatric specialty nursing education; specifying eligibility requirements for certified nursing assistants to obtain certified geriatric specialty nursing education; specifying requirements for the education of certified nursing assistants to prepare for certification as a certified geriatric specialist; creating a Certified Geriatric Specialty Nursing Initiative Steering Committee; providing for the composition of and manner of appointment to the Certified Geriatric Specialty Nursing Initiative Steering Committee; providing responsibilities of the steering committee; providing for reimbursement for per diem and travel expenses; requiring the Agency for Workforce Innovation to conduct or contract for an evaluation of the pilot program for delivery of certified geriatric specialty nursing education; requiring the evaluation to include recommendations regarding the expansion of the delivery of certified geriatric specialty nursing education in nursing homes; requiring the Agency for Workforce Innovation to report to the Governor and Legislature regarding the status and evaluation of the pilot program; creating s. 464.0125, F.S.; providing definitions; providing requirements for persons to become certified geriatric specialists; specifying fees; providing for articulation of geriatric specialty nursing coursework and practical nursing coursework; providing practice standards and grounds for which certified geriatric specialists may be subject to discipline by the Board of Nursing; creating restrictions on the use of professional nursing titles; prohibiting the use of certain professional titles; providing penalties; authorizing approved nursing programs to provide education for the preparation of certified geriatric specialists without further board approval; authorizing certified geriatric specialists to supervise the activities of others in nursing home facilities according to rules by the Board of Nursing; revising terminology relating to nursing to conform to the certification of geriatric specialists; amending s. 381.00315, F.S.; revising requirements for the reactivation of the licenses of specified health care practitioners in the event of a public health emergency to include certified geriatric specialists; amending s. 400.021, F.S.; including services provided by a certified geriatric specialist within the definition of nursing service; amending s. 400.211, F.S.; revising requirements for persons employed as nursing assistants to conform to the certification of certified geriatric specialists; amending s. 400.23, F.S.; specifying that certified geriatric specialists shall be considered licensed nursing staff; authorizing licensed practical nurses to supervise the activities of certified geriatric specialists in nursing home facilities according to rules adopted by the Board of Nursing; amending s. 409.908, F.S.; revising the methodology for reimbursement of Medicaid program providers to include services of certified geriatric specialists; amending s. 458.303, F.S.; revising exceptions to the practice of medicine to include

services delegated to a certified geriatric specialist under specified circumstances; amending s. 1009.65, F.S.; revising eligibility for the Medical Education Reimbursement and Loan Repayment Program to include certified geriatric specialists; amending s. 1009.66, F.S.; revising eligibility requirements for the Nursing Student Loan Forgiveness Program to include certified geriatric specialists; providing an appropriation; amending s. 464.201, F.S.; defining terms; amending s. 464.202, F.S.; authorizing the Board of Nursing to adopt rules regarding the practice and supervision of certified nursing assistants; providing inapplicability to ss. 456.052 and 456.053, F.S.; providing effective dates.

—as amended April 23 was read the third time by title.

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendments to be considered:

Senator Saunders moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (855850)—On page 246, delete line 25 and insert: and of supportive and optional services to be provided *and proof of adequate liability insurance coverage.*;

Amendment 2 (105264)—On page 40, lines 25-27, delete those lines and insert: *part and authorizing statutes, the agency may institute injunction proceedings in a court of competent jurisdiction to:*

(a) *Restrain or prevent the*

On motion by Senator Saunders, **CS for CS for CS for SB 1680** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Aronberg	Fasano	Peaden
Atwater	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Saunders
Campbell	Hill	Sebesta
Carlton	Jones	Siplin
Clary	Klein	Smith
Constantine	Lawson	Villalobos
Cowin	Lee	Wasserman Schultz
Crist	Lynn	Webster
Diaz de la Portilla	Margolis	Wilson
Dockery	Miller	Wise

Nays—1

Argenziano

Consideration of **SB 1828** and **CS for CS for SB 2170** was deferred.

SB 1828—A bill to be entitled An act relating to home-invasion robbery; amending s. 812.135, F.S.; providing additional offense classifications and revising the penalties for home-invasion robbery; providing that it is a first degree felony punishable by a term of imprisonment not exceeding life imprisonment to commit a home-invasion robbery in the course of which a firearm or other deadly weapon is carried; providing penalties; reenacting s. 943.325(1), F.S., relating to blood specimen testing for DNA analysis, to incorporate the amendment made to s. 812.135, F.S., by this act in a reference thereto; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart, with respect to home-invasion robberies; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **SB 1828** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peadar
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 2796 and CS for SB 1418—A bill to be entitled An act relating to cruelty to animals; amending s. 828.12, F.S.; increasing certain minimum mandatory fines and periods of incarceration for certain acts of cruelty to animals; amending s. 828.121, F.S.; providing a definition; providing that it is a first-degree misdemeanor for a person to intentionally drag or fell by the tail a bovine animal in an organized sports exhibition; providing clarification regarding techniques or practices that are not prohibited; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **CS for SB 2796 and CS for SB 1418** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peadar
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for SB 2820—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 20.331, F.S.; reorganizing the commission; granting rights and privileges to the commission; providing responsibilities and duties of the executive director; revising the administrative structure of the commission; providing that the principal unit for program services within the commission shall be a division headed by a director; providing that the principal unit for research services within the commission is the Fish and Wildlife Research Institute; providing that the principal subunit within a division shall be a section headed by a leader; providing that the principal subunit within a section shall be a subsection headed by an administrator; establishing divisions and sections within the commission; providing that the principal unit for administrative and support services shall be the Office of Executive Direction and Administrative Support Services headed by the executive director of the commission; establishing additional offices within the Office of Executive Direction and Administrative Support Services; providing that the head of an office shall be a director; providing an exception; providing position classifications within the state employee system; providing for reallocation of certain duties and functions; providing that additional divisions of the commission may only be created by general law; providing that divisions, offices, and sections created by this act may only be abolished by general law; authorizing the Department of Management Services and the Executive Office of the Governor to establish and approve new sections, subsections, and offices as initiated by the commission; assigning duties and

responsibilities to the divisions; providing powers, duties, responsibilities, and functions of the Boating and Waterways Section; providing for adequate due process procedures; establishing statutory duties of the commission; authorizing the commission to provide comments to permitting agencies; authorizing the commission to acquire lands in the name of the state for certain purposes; providing for employee bonds at the request of the commission; amending s. 20.2551, F.S.; deleting provisions authorizing grants from the Florida Marine Research Institute to citizen support organizations within the Department of Environmental Protection; amending ss. 370.0603, 370.06091, 370.06093, 372.0215, 372.5701, 372.5702, and 403.0882, F.S.; conforming provisions to changes made by the act; amending s. 370.06092, F.S.; deleting obsolete provisions; conforming provisions to changes made by the act; amending s. 372.0222, F.S.; requiring the commission to publish the Florida Wildlife Magazine; creating the Florida Wildlife Magazine Advisory Council; requiring the council to make recommendations to the commission regarding magazine publication; providing for qualifications of members, appointment of members, terms of office, administrative support, and reimbursement for travel expenses; amending s. 372.0225, F.S.; revising requirements for the regulation of the promotion, marketing, and quality control of freshwater organisms; repealing s. 370.021(11), F.S., relating to employee bond requirements; repealing s. 370.16(2) and (5), F.S., relating to noncultured shellfish harvesting; repealing s. 370.172(4), F.S., relating to spearfishing; repealing s. 370.083, F.S., relating to special acts; repealing s. 370.162, F.S., relating to the purchase of sponges; repealing s. 372.051, F.S., relating to the seal of the commission; repealing s. 372.9906, F.S., relating to the Wildlife Law Enforcement Program; repealing subsection (3) of section 5 of chapter 99-245, Laws of Florida, relating to the Florida Marine Research Institute; providing an appropriation to the commission from the State Game Trust Fund to fund publication of the Florida Wildlife Magazine; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **CS for CS for SB 2820** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peadar
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Constantine

CS for SB 1762—A bill to be entitled An act relating to trauma care; amending s. 381.74, F.S.; requiring hospitals and trauma centers to provide data on moderate-to-severe brain or spinal cord injuries to the Department of Health; amending s. 381.745, F.S.; defining “department” for purposes of the “Charlie Mack Overstreet Brain or Spinal Cord Injuries Act”; amending s. 395.003, F.S.; requiring a report by the Agency for Health Care Administration regarding the licensure of emergency departments located off the premises of hospitals; prohibiting the issuance of licenses for such departments before July 1, 2005; amending s. 395.40, F.S.; revising legislative findings; revising duties of the Department of Health to implement and plan for a statewide trauma system; amending s. 395.4001, F.S.; revising definitions; amending s. 395.401, F.S.; revising components for local and regional trauma services system plans; correcting references to the term “trauma center”; amending s. 395.4015, F.S.; requiring that the boundaries of the trauma regions administered by the Department of Health be coterminous with the boundaries of the regional domestic security task forces established within the Department of Law Enforcement; providing exceptions for certain interlocal

agreements for trauma services in a regional system; eliminating requirements for the Department of Health to develop the minimum components for systems plans in defined trauma regions; amending s. 395.402, F.S.; providing additional legislative intent with respect to trauma service areas; providing a treatment capacity for certain trauma centers; providing that current trauma service areas shall be used until the Department of Health completes an assessment of the trauma system; requiring a report; providing guidelines for such assessment; requiring annual review; amending s. 395.4025, F.S.; revising requirements for the Department of Health's development of a state trauma system plan; deleting obsolete references; correcting references to the term "trauma center"; revising requirements for the department's approval and verification of a facility as a trauma center; granting the department authority to adopt rules for the procedures and process for notification, duration, and explanation of a trauma center's termination of trauma services; revising the requirements for notice that a hospital must give before it terminates or substantially reduces trauma service; exempting from certain time limits on applications to operate as trauma centers certain hospitals in areas having no trauma center; limiting applications until the completion of a specified review; amending s. 395.403, F.S.; correcting references to the term "trauma center"; revising eligibility requirements for state funding of trauma centers; providing that trauma centers may request that their distributions from the Administrative Trust Fund be used as intergovernmental transfer funds in the Medicaid program; amending s. 395.404, F.S.; revising reporting requirements to the trauma registry data system maintained by the Department of Health; providing that hospitals and trauma centers subject to reporting trauma registry data to the department are required to comply with other duties concerning the moderate-to-severe brain or spinal cord injury registry maintained by the department; correcting references to the term "trauma center"; amending s. 395.405, F.S.; authorizing the Department of Health to adopt and enforce rules necessary to administer part II of ch. 395, F.S.; establishing a task force on distribution of funds; providing for a trauma center matching grant program; amending s. 318.14, F.S.; providing additional civil penalties for certain traffic infractions; providing for disposition of such penalties; amending s. 318.21, F.S.; providing for disposition of mandatory civil penalties; amending s. 322.0261, F.S.; revising provisions relating to driver-improvement courses; amending s. 322.27, F.S.; prescribing points for violation of a traffic-control signal; amending s. 318.18, F.S.; providing penalty for specified violation of traffic control signal devices and for failure to submit to test for impairment or intoxication; providing for distribution of moneys collected; directing the clerk of court to collect a fee for each civil and criminal violation of ch. 316, F.S.; creating s. 322.751, F.S.; directing the Department of Highway Safety and Motor Vehicles to assess specified annual surcharges against a motor vehicle licensee who accumulates eight or more points against his or her license within the previous 36 months; requiring the department to notify a licensee by first-class mail upon receipt of four points against his or her license; directing the department to remit all such penalties to the Administrative Trust Fund in the Department of Health; amending s. 316.193, F.S.; directing the department to assess specified annual surcharges against motor vehicle licensees who have a final conviction within the previous 36 months for a DUI offense; directing the department to remit all such penalties to the Administrative Trust Fund in the Department of Health; amending s. 794.056, F.S.; providing that funds credited to the Rape Crisis Program Trust Fund shall include both funds collected as an additional court assessment in certain cases and certain funds deposited in the Administrative Trust Fund in the Department of Health; revising a requirement relating to the distribution of moneys from the trust fund pursuant to a rule by the Department of Health; creating s. 322.7525, F.S.; requiring the department to notify licensees of the surcharges and the time period in which to pay the surcharges; creating s. 322.753, F.S.; requiring the department to accept installment payments for the surcharges; providing sanctions for a licensee's failure to pay an installment; allowing the department to permit licensees to pay assessed surcharges with credit cards; requiring the department to suspend a driver's license if the licensee does not pay the surcharge or arrange for installment payments within a specified time after the notice of surcharge is sent; repealing s. 395.4035, F.S., relating to the Trauma Services Trust Fund; providing for distribution of collections in the Administrative Trust Fund in the Department of Health; providing an appropriation; providing that a governing body of certain counties, municipalities, or special districts may levy a sales surtax for the purpose of funding of trauma services if approved by a majority vote of the electors of the county; requiring a statement regarding a brief description of the purposes of the surtax to be placed on the ballot by the governing body; requiring the ordinance or resolution to set forth a plan

for providing trauma services; requiring the Department of Revenue to distribute moneys to the clerk of court or the custodian of the funds; providing duties of the custodian of the funds; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Saunders, **CS for SB 1762** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **CS for CS for SB 2884**, **CS for SB 2762** and **CS for CS for SB 544** was deferred.

CS for CS for SB 2698—A bill to be entitled An act relating to motor vehicles; providing a popular name; amending s. 319.14, F.S.; defining the terms "insurance recovery vehicle," "salvage recovery vehicle," and "salvage company"; providing prohibitions on the sale of such vehicles; providing penalties; amending s. 319.23, F.S.; requiring affidavit with application for title of used motor vehicles not previously issued certificate of title; providing an exemption; providing penalties for violation or falsification; amending s. 319.30, F.S.; revising the definition of "total loss"; revising provisions for issuance to insurer of certificate of destruction and certificate of title upon total loss of vehicle; requiring the Department of Highway Safety and Motor Vehicles to create a program to promote and enhance public awareness of risks to consumers associated with buying used motor vehicles previously titled in other states; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **CS for CS for SB 2698** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

CS for CS for CS for SB 1184—A bill to be entitled An act relating to condominium and community associations; amending s. 718.111, F.S.; providing immunity from liability for certain information provided by associations to prospective purchasers or lienholders under certain circumstances; amending s. 720.303, F.S.; requiring specific notice to be

given to association members before certain assessments or rule changes may be considered at a meeting; amending s. 768.1325, F.S.; providing immunity from civil liability for community associations that provide automated defibrillator devices under certain circumstances; prohibiting insurers from requiring associations to purchase medical malpractice coverage as a condition of issuing other coverage; prohibiting insurers from excluding from coverage under a general liability policy damages resulting from the use of an automated external defibrillator device; amending ss. 718.112 and 719.1055, F.S.; revising notification and voting procedures with respect to any vote to forego retrofitting of the common areas of condominiums and cooperatives with fire sprinkler systems; amending s. 718.503, F.S.; requiring unit owners who are not developers to provide a specific question and answer disclosure document to certain prospective purchasers; creating s. 720.401, F.S.; providing legislative intent relating to the revival of governance of a community; creating s. 720.402, F.S.; providing eligibility to revive governance documents; specifying prerequisites to reviving governance documents; creating s. 720.403, F.S.; requiring the formation of an organizing committee; providing for membership; providing duties and responsibilities of the organizing committee; directing the organizing committee to prepare certain documents; providing for the contents of the documents; providing for a vote of the eligible parcel owners; creating s. 720.404, F.S.; directing the organizing committee to file certain documents with the Department of Community Affairs; specifies the content of the submission to the department; requiring the department to approve or disapprove the request to revive the governance documents within a specified time period; creating s. 720.405, F.S.; requiring the organizing committee to file and record certain documents within a specified time period; directing the organizing committee to give all affected parcel owners a copy of the documents filed and recorded; providing for judicial determination of the effects of revived covenants on parcels; providing for effects of such a judicial determination; amending ss. 720.301 and 720.302, F.S.; conforming provisions to changes made by the act; providing definitions; prescribing a legislative purpose of providing alternative dispute resolution procedures for disputes involving elections and recalls; amending s. 720.303, F.S.; prescribing the right of an association to enforce deed restrictions; prescribing rights of members and parcel owners to attend and address association board meetings and to have items placed on an agenda; prescribing additional requirements for notice of meetings; providing for additional materials to be maintained as records; providing additional requirements and limitations with respect to inspecting and copying records; providing requirements with respect to financial statements; providing procedures for recall of directors; amending s. 720.304, F.S.; prescribing owners' rights with respect to flag display; prohibiting certain lawsuits against parcel owners; providing penalties; allowing a parcel owner to construct a ramp for a parcel resident who has a medical need for a ramp; providing conditions; allowing the display of a security-services sign; amending s. 720.305, F.S.; providing that a fine by an association cannot become a lien against a parcel; providing for attorney's fees in actions to recover fines; creating s. 720.3055, F.S.; prescribing requirements for contracts for products and services; amending s. 720.306, F.S.; providing for notice of and right to speak at member meetings; requiring election disputes between a member and an association to be submitted to mandatory binding arbitration; amending s. 720.311, F.S.; expanding requirements and guidelines with respect to alternative dispute resolution; providing requirements for mediation and arbitration; providing for training and education programs; amending s. 718.110, F.S.; restricting the application of certain amendments restricting owners' rental rights; transferring, renumbering, and amending s. 689.26, F.S.; modifying the disclosure form that a prospective purchaser must receive before a contract for sale; providing that certain contracts are voidable for a specified period; requiring that a purchaser provide written notice of cancellation; transferring and renumbering s. 689.265, F.S., relating to required financial reports of certain residential subdivision developers; amending s. 498.025, F.S., relating to the disposition of subdivided lands; conforming cross-references; creating s. 720.602, F.S.; providing remedies for publication of false and misleading information; amending s. 34.01, F.S.; providing jurisdiction of disputes involving homeowners' associations; amending ss. 316.00825, 558.002, F.S.; conforming cross-references; providing for internal organization of ch. 720, F.S.; amending s. 190.012, F.S.; providing for the enforcement of deed restrictions in certain circumstances; amending s. 190.046, F.S.; providing for additional dissolution procedures; amending s. 190.006, F.S.; specifying procedures for selecting a chair at the initial landowners' meeting; specifying requirements for proxy voting; requiring notice of landowners' elections; specifying the terms of certain supervisors; providing for nonpartisan elections; specifying the time that resident supervisors assume office; authorizing the

supervisor of elections to designate seat numbers for resident supervisors of the board; providing procedures for filing qualifying papers; allowing candidates the option of paying a filing fee to qualify for the election; specifying payment requirements; specifying the number of petition signatures required to qualify for the election; requiring the county canvassing board to certify the results of resident elections; providing an effective date.

—as amended April 23 was read the third time by title.

Senator Campbell moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (100406)—On page 13, line 18 and on page 15, line 12, before “delivered” insert: *hand*

Amendment 2 (392408)—On page 67, line 22, delete “720.301(8)” and insert: 720.301(9)

Amendment 3 (230140)—On page 68, lines 17-20, delete those lines and insert: 720.602, *Florida Statutes*, as part IV of chapter 720, *Florida Statutes*, and entitle that part “DISCLOSURE PRIOR TO SALE OF RESIDENTIAL PARCELS”; and to designate section 720.501, *Florida Statutes*, as part III of chapter 720, *Florida Statutes*,

Amendment 4 (674716)—On page 69, line 23, delete “720.301(7)” and insert: 720.301(9)

Amendment 5 (195496)—In title, on page 2, line 30, after the second semicolon (;) insert: redefining the term “member”;

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment which was adopted by two-thirds vote:

Amendment 6 (171342)—On page 68, line 9, delete “720.301(8)” and insert: 720.301(9)

MOTION

On motion by Senator Garcia, the rules were waived to allow the following amendments to be considered:

Senators Garcia and Campbell offered the following amendments which were moved by Senator Garcia and adopted by two-thirds vote:

Amendment 7 (044108)(with title amendment)—On page 14, between lines 2 and 3, insert:

Section 5. Section 718.5011, *Florida Statutes*, is created to read:

718.5011 *Ombudsman; appointment; administration.*—

(1) *There is created an Office of the Condominium Ombudsman, to be located for administrative purposes, within the Division of Florida Land Sales, Condominiums, and Mobile Homes. The functions of the office shall be funded by the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund. The ombudsman shall be a bureau chief of the division and the office shall be set within the division in the same manner as any other bureau is staffed and funded.*

(2) *The Governor shall appoint the ombudsman. The ombudsman must be an attorney admitted to practice before the Florida Supreme Court and shall serve at the pleasure of the Governor. A vacancy in the office shall be filled in the same manner as the original appointment. An officer or full-time employee of the ombudsman's office may not actively engage in any other business or profession; serve as the representative of any political party, executive committee, or other governing body of a political party; serve as an executive, officer, or employee of a political party; receive remuneration for activities on behalf of any candidate for public office; or engage in soliciting votes or other activities on behalf of a candidate for public office. The ombudsman or any employee of his or her office may not become a candidate for election to public office unless he or she first resigns from his or her office or employment.*

Section 6. Section 718.5012, Florida Statutes, is created to read:

718.5012 Ombudsman; powers and duties.—The ombudsman shall have the powers that are necessary to carry out the duties of his or her office, including the following specific powers:

- (1) To have access to and use of all files and records of the division.*
- (2) To employ professional and clerical staff as necessary for the efficient operation of the office.*
- (3) To prepare and issue reports and recommendations to the Governor, the department, the division, the Advisory Council on Condominiums, the President of the Senate, and the Speaker of the House of Representatives on any matter or subject within the jurisdiction of the division. The ombudsman shall make recommendations he or she deems appropriate for legislation relative to division procedures, rules, jurisdiction, personnel, and functions.*
- (4) To act as liaison between the division, unit owners, boards of directors, board members, community association managers, and other affected parties. The ombudsman shall develop policies and procedures to assist unit owners, boards of directors, board members, community association managers, and other affected parties to understand their rights and responsibilities as set forth in this chapter and the condominium documents governing their respective association. The ombudsman shall coordinate and assist in the preparation and adoption of educational and reference material, and shall endeavor to coordinate with private or volunteer providers of these services, so that the availability of these resources is made known to the largest possible audience.*
- (5) To monitor and review procedures and disputes concerning condominium elections or meetings, including, but not limited to, recommending that the division pursue enforcement action in any manner where there is reasonable cause to believe that election misconduct has occurred.*
- (6) To make recommendations to the division for changes in rules and procedures for the filing, investigation, and resolution of complaints filed by unit owners, associations, and managers.*
- (7) To provide resources to assist members of boards of directors and officers of associations to carry out their powers and duties consistent with this chapter, division rules, and the condominium documents governing the association.*
- (8) To encourage and facilitate voluntary meetings with and between unit owners, boards of directors, board members, community association managers, and other affected parties when the meetings may assist in resolving a dispute within a community association before a person submits a dispute for a formal or administrative remedy. It is the intent of the Legislature that the ombudsman act as a neutral resource for both the rights and responsibilities of unit owners, associations, and board members.*

Section 7. Section 718.5014, Florida Statutes, is created to read:

718.5014 Ombudsman location.—The ombudsman shall maintain his or her principal office in Leon County on the premises of the division or, if suitable space cannot be provided there, at another place convenient to the offices of the division which will enable the ombudsman to expeditiously carry out the duties and functions of his or her office. The ombudsman may establish branch offices elsewhere in the state upon the concurrence of the Governor.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: creating s. 718.5011, F.S.; creating the Office of the Condominium Ombudsman within the Division of Florida Land Sales, Condominiums, and Mobile Homes; directing the Governor to appoint the ombudsman; requiring the ombudsman to be an attorney; providing for the filling of a vacant ombudsman position; prohibiting the ombudsman and staff from engaging in any other profession, serving as a representative or employee of any political party, or receiving remuneration for activities on behalf of political candidates; prohibiting the ombudsman and staff from seeking public office unless resigned from the Office of the Condominium Ombudsman; providing requirements and limitations for office staff; creating s. 718.5012, F.S.; providing for powers and duties of the ombudsman; requiring the

ombudsman to prepare and issue reports and make recommendations to specified persons; directing the ombudsman to be a liaison between certain parties, to monitor condominium elections, to assist unit owners and boards of directors, and to encourage voluntary resolutions to disputes before filing the matter as a formal complaint; creating s. 718.5014, F.S.; providing for the principal location of the ombudsman's office in Leon County; authorizing the ombudsman to establish branch offices elsewhere in the state under specified circumstances;

Amendment 8 (885636)(with title amendment)—On page 14, between lines 2 and 3, insert:

Section 5. Section 718.5015, Florida Statutes, is created to read:

718.5015 Advisory council; membership functions.—

- (1) There is created the Advisory Council on Condominiums. The council shall consist of seven appointed members. Two members shall be appointed by the President of the Senate, two members shall be appointed by the Speaker of the House of Representatives, and three members shall be appointed by the Governor. At least one member that is appointed by the Governor shall represent timeshare condominiums. Members shall be appointed to 2-year terms; however, one of the persons initially appointed by the Governor, by the President of the Senate, and by the Speaker of the House of Representatives, shall be appointed to a 1-year term. The director of the division shall serve as an ex officio nonvoting member. The Legislature intends that the persons appointed represent a cross-section of persons interested in condominium issues. The council shall be located within the division for administrative purposes. Members of the council shall serve without compensation, but are entitled to receive per diem and travel expenses pursuant to s. 112.061 while on official business.*
- (2) The functions of the advisory council shall be to:*
 - (a) Receive, from the public, input regarding issues of concern with respect to condominiums and recommendations for changes in the condominium law. The issues that the council shall consider include, but are not limited to, the rights and responsibilities of the unit owners in relation to the rights and responsibilities of the association.*
 - (b) Review, evaluate, and advise the division concerning revisions and adoption of rules affecting condominiums.*
 - (c) Recommend improvements, if needed, in the education programs offered by the division.*
- (3) The council may elect a chair and vice chair and such other officers as it may deem advisable. The council shall meet at the call of its chair, at the request of a majority of its membership, at the request of the division, or at such times as it may prescribe. A majority of the members of the council shall constitute a quorum. Council action may be taken by vote of a majority of the voting members who are present at a meeting where there is a quorum.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 30, after the semicolon (;) insert: creating s. 718.5015, F.S.; creating the Advisory Council on Condominiums; providing for appointments by the President of the Senate, the Speaker of the House of Representatives, and the Governor; providing limited compensation and other terms of service; specifying functions;

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment which was adopted by two-thirds vote:

Amendment 9 (285276)(with title amendment)—On page 82, between lines 2 and 3, insert:

Section 32. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 19, after the semicolon (;) insert: providing for severability;

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendment to be considered:

Senator Posey moved the following amendment which was adopted by two-thirds vote:

Amendment 10 (045140)(with title amendment)—On page 49, line 28, delete “not”

And the title is amended as follows:

On page 3, line 24, delete “cannot” and insert: can

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment which was adopted by two-thirds vote:

Amendment 11 (584252)(with title amendment)—On page 9, between lines 25 and 26, insert:

Section 4. Subsection (16) of section 718.103, Florida Statutes, is amended to read:

718.103 Definitions.—As used in this chapter, the term:

(16) “Developer” means a person who creates a condominium or offers condominium parcels for sale or lease in the ordinary course of business, but does not include an owner or lessee of a condominium or cooperative unit who has acquired the unit for his or her own occupancy, nor does it include a cooperative association which creates a condominium by conversion of an existing residential cooperative after control of the association has been transferred to the unit owners if, following the conversion, the unit owners will be the same persons who were unit owners of the cooperative and no units are offered for sale or lease to the public as part of the plan of conversion. *A state, county, or municipal entity is not a developer for any purposes under this act when it is acting as a lessor and not otherwise named as a developer in the association.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 21, after the semicolon (;) insert: amending s. 718.103, F.S.; providing that certain governmental entities are not developers for certain purposes;

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following amendment which was adopted by two-thirds vote:

Amendment 12 (384720)—On page 9, line 26, delete “(f)” and insert: (d), (f),

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following amendment:

Amendment 13 (820854)(with title amendment)—On page 10, before line 1, insert:

(d) Unit owner meetings.—

1. There shall be an annual meeting of the unit owners. Unless the bylaws provide otherwise, a vacancy on the board caused by the expiration of a director's term shall be filled by electing a new board member, and the election shall be by secret ballot; however, if the number of vacancies equals or exceeds the number of candidates, no election is required. If there is no provision in the bylaws for terms of the members of the board, the terms of all members of the board shall expire upon the election of their successors at the annual meeting. Any unit owner desiring to be a candidate for board membership shall comply with subparagraph 3. A person who has been convicted of any felony by any court of record in the United States and who has not had his or her right to vote restored pursuant to law in the jurisdiction of his or her residence is not eligible for board membership. The validity of an action by the board is not affected if it is later determined that a member of the board is ineligible for board membership due to having been convicted of a felony.

2. The bylaws shall provide the method of calling meetings of unit owners, including annual meetings. Written notice, which notice must include an agenda, shall be mailed, hand delivered, or electronically transmitted to each unit owner at least 14 days prior to the annual meeting and shall be posted in a conspicuous place on the condominium property at least 14 continuous days preceding the annual meeting. Upon notice to the unit owners, the board shall by duly adopted rule designate a specific location on the condominium property or association property upon which all notices of unit owner meetings shall be posted; however, if there is no condominium property or association property upon which notices can be posted, this requirement does not apply. In lieu of or in addition to the physical posting of notice of any meeting of the unit owners on the condominium property, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. However, if broadcast notice is used in lieu of a notice posted physically on the condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. When broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. Unless a unit owner waives in writing the right to receive notice of the annual meeting, such notice shall be hand delivered, mailed, or electronically transmitted to each unit owner. Notice for meetings and notice for all other purposes shall be mailed to each unit owner at the address last furnished to the association by the unit owner, or hand delivered to each unit owner. However, if a unit is owned by more than one person, the association shall provide notice, for meetings and all other purposes, to that one address which the developer initially identifies for that purpose and thereafter as one or more of the owners of the unit shall so advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, shall provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered, in accordance with this provision.

3. The members of the board shall be elected by written ballot or voting machine. Proxies shall in no event be used in electing the board, either in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. Not less than 60 days before a scheduled election, the association shall mail, deliver, or electronically transmit, whether by separate association mailing or included in another association mailing, delivery, or transmission, including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. Any unit owner or other eligible person desiring to be a candidate for the board must give written notice to the association not less than 40 days before a scheduled election. Together with the written notice and agenda as set forth in subparagraph 2., the association shall mail, deliver, or electronically transmit a second notice of the election to all unit owners entitled to vote therein, together with a ballot which shall list all candidates. Upon request of a candidate, the association shall include an information sheet, no larger than 8½ inches by 11 inches, which must be furnished by the candidate not less than 35 days before the election, to be included with the mailing, delivery, or transmission of the ballot, with the costs of mailing, delivery, or electronic transmission and copying to be borne by the association. The association is not liable for the contents of the information sheets prepared by the candidates. In order to reduce costs,

the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with the provisions contained herein, including rules establishing procedures for giving notice by electronic transmission and rules providing for the secrecy of ballots. Elections shall be decided by a plurality of those ballots cast. There shall be no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election of members of the board. No unit owner shall permit any other person to vote his or her ballot, and any such ballots improperly cast shall be deemed invalid, provided any unit owner who violates this provision may be fined by the association in accordance with s. 718.303. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain assistance in casting the ballot. The regular election shall occur on the date of the annual meeting. The provisions of this subparagraph shall not apply to timeshare condominium associations. Notwithstanding the provisions of this subparagraph, an election is not required unless more candidates file notices of intent to run or are nominated than board vacancies exist.

4. Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), shall be made at a duly noticed meeting of unit owners and shall be subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any statute that provides for such action.

5. Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any statute. If authorized by the bylaws, notice of meetings of the board of administration, unit owner meetings, except unit owner meetings called to recall board members under paragraph (j), and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission.

6. Unit owners shall have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

7. Any unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the division.

8. Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may hold an election to fill the vacancy, in which case the election procedures must conform to the requirements of subparagraph 3. unless the association has opted out of the statutory election process, in which case the bylaws of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (j) and rules adopted by the division.

9. Fifteen percent of the total voting interests in a condominium association, or six unit owners, whichever is greater, may petition the division to appoint an election monitor to attend the annual meeting of the unit owners and conduct the election of directors. The division shall appoint a division employee, a person or persons specializing in condominium election monitoring, or an attorney licensed to practice in this state as the election monitor. All costs associated with the election monitoring process shall be paid by the association. The division shall adopt a rule establishing procedures for the appointment of election monitors and the scope and extent of the monitor's role in the election process.

Notwithstanding subparagraphs (b)2. and (d)3., an association may, by the affirmative vote of a majority of the total voting interests, provide for different voting and election procedures in its bylaws, which vote may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may provide for elections to be conducted by limited or general proxy.

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: providing for unit owners or shareholders to petition the Division of Florida Land Sales,

Condominiums, and Mobile Homes of the Department of Business and Professional Regulation to appoint an election monitor to attend the annual association meeting and conduct the election of directors; providing for the adoption of rules;

On motion by Senator Campbell, further consideration of **CS for CS for SB 1184** with pending **Amendment 13 (820854)** was deferred.

CS for CS for SB 2884—A bill to be entitled An act relating to state universities; amending s. 1004.55, F.S.; relocating regional autism centers for certain counties; amending s. 1009.531, F.S.; revising eligibility criteria for the Florida Bright Futures Scholarship Program; creating s. 1011.901, F.S.; awarding incentive funds to state universities; requiring the Board of Governors to allocate incentive awards to university boards of trustees; requiring targeting of critical occupations and discipline areas; requiring an annual report to the Governor and the Legislature; amending s. 1009.24, F.S.; requiring university boards of trustees to provide students with a billing statement that reflects the true cost of the student's education; requiring university boards of trustees to develop proposals for block tuition and fee policies and to charge certain students the full cost of education per credit hour; providing certain exceptions; requiring legislative authorization to implement policies; amending s. 1011.94, F.S.; amending the Trust Fund for University Major Gifts; giving authority to the Board of Governors; revising provisions regarding matches for donations; deleting references to New College; designating the Student Union Building at the University of North Florida as the "James E. "Jim" and Linda King, Jr., Student Union Building"; designating the proposed entrance pavilion at the John and Mabel Ringling Museum of Art at the Florida State University Ringling Center for Cultural Arts as the "John M. McKay Visitors' Pavilion"; authorizing the erection of suitable markers; creating the Florida-Scripps Research Compact; providing an appropriation; creating s. 1004.451, F.S.; creating the Florida State University Center for the Performing Arts direct-support organization; amending s. 121.35, F.S.; authorizing state universities to assume certain responsibilities regarding the optional retirement program; amending s. 121.122, F.S.; authorizing participation by renewed members in specified optional programs; amending s. 1001.74, F.S., to conform; providing an effective date.

—as amended April 23 was read the third time by title.

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendments to be considered:

Senator Constantine moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (405272)—On page 22, lines 18 and 19, delete those lines and insert:

(b) *Each board of trustees may implement and administer an optional retirement program pursuant to s. 121.35(7) and may enter into*

Amendment 2 (050524)(with title amendment)—On page 19, delete line 13 and insert: *of such university and their beneficiaries. If eight state universities assume that responsibility in accordance with this subsection, each of the remaining state universities must, within 1 year, also assume that responsibility. When a state*

And the title is amended as follows:

On page 2, line 14, after the first semicolon (;) insert: requiring remaining state universities to assume those responsibilities if eight universities have done so;

On motion by Senator Carlton, **CS for CS for SB 2884** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Alexander	Bullard	Constantine
Aronberg	Campbell	Cowin
Atwater	Carlton	Crist
Bennett	Clary	Dawson

Diaz de la Portilla	Lawson	Sebesta	Klein	Peaden	Smith
Dockery	Lee	Siplin	Lawson	Posey	Villalobos
Fasano	Lynn	Smith	Lee	Pruitt	Wasserman Schultz
Garcia	Margolis	Villalobos	Lynn	Saunders	Webster
Geller	Miller	Wasserman Schultz	Margolis	Sebesta	Wilson
Haridopolos	Peaden	Webster	Miller	Siplin	Wise
Hill	Posey	Wilson	Nays—None		
Jones	Pruitt	Wise			
Klein	Saunders				

Nays—1

Argenziano

Vote after roll call:

Nay to Yea—Argenziano

On motion by Senator Villalobos, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **CS for SB 2014** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations.

BILLS ON THIRD READING, continued

CS for CS for SB 544—A bill to be entitled An act relating to prompt payment for construction services; amending s. 218.70, F.S.; providing a short title; amending s. 218.72, F.S.; redefining terms used in part VII of ch. 218, F.S.; amending s. 218.735, F.S.; revising provisions relating to timely payment for purchases of construction services; revising deadlines for payment; providing procedures for project closeout and payment of retainage; providing requirements for local government construction retainage; providing that ss. 218.72-218.76, F.S., apply to the payment of any payment request for retainage; providing exceptions; creating s. 255.0705, F.S.; providing a short title; amending s. 255.071, F.S.; revising deadlines for the payment of subcontractors, sub-subcontractors, materialmen, and suppliers on construction contracts for public projects; creating ss. 255.072, 255.073, 255.074, 255.075, 255.076, 255.077, and 255.078, F.S.; providing definitions; providing for timely payment for purchases of construction services by a public entity; providing procedures for calculating payment due dates; providing procedures for handling improper payment requests; providing for the resolution of disputes; providing for project closeout and payment of retainage; providing that ss. 255.072-255.076, F.S., apply to the payment of any payment request for retainage; providing exceptions; amending s. 255.05, F.S.; providing requirements for certain notices of nonpayment served by a claimant who is not in privity with the contractor; revising the form for a public construction bond; requiring the payment provisions of all public construction bonds to be construed as statutory bonds; prohibiting conversion to common law bonds; deleting a requirement that bond forms used by public owners reference certain notice and time limitation provisions; providing limitations on a claimant's institution of certain actions against a contractor or surety; amending s. 95.11, F.S., to conform a cross-reference; providing for application of specified sections of the act to certain contracts and projects; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Bennett, **CS for CS for SB 544** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Carlton	Dockery
Argenziano	Clary	Fasano
Aronberg	Constantine	Garcia
Atwater	Cowin	Geller
Bennett	Crist	Haridopolos
Bullard	Dawson	Hill
Campbell	Diaz de la Portilla	Jones

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Honorable James E. "Jim" King, Jr.
President, The Florida Senate

April 24, 2004

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

<i>Office and Appointment</i>		<i>For Term Ending</i>
Board of Accountancy		
Appointees:	Caldwell, Maria E.	10/31/2007
	Davis, Tanya I.	10/31/2007
Board of Acupuncture		
Appointees:	Ervolino, Frank S.	10/31/2006
	Gunter, Gregory W.	10/31/2006
	Karr, Paulette M.	10/31/2007
Jacksonville Airport Authority		
Appointees:	Demetree, Jack C.	09/30/2007
	Sherrer, Linda H.	09/30/2007
Board of Architecture and Interior Design		
Appointees:	Del Bianco, Sharon M.	10/31/2007
	Gonzalez, Rick E., Jr.	10/31/2007
	Membiela, Roymy V.	10/31/2004
	Schreiber, Stephen	10/31/2006
	Shore, Joyce	10/31/2006
Board of Athletic Training		
Appointees:	Canizares, George H.	10/31/2007
	Gomez, Gerardo	10/31/2006
	Lennon, Stephanie A.	10/31/2007
	Mathesie, Michael W.	10/31/2005
	McLane, Lloyd Timothy	10/31/2007
Florida Board of Auctioneers		
Appointee:	Accardo, Craig G.	10/31/2007
Barbers' Board		
Appointees:	Collins, Robert W.	10/31/2007
	Feliciano, Char C.	10/31/2005
Florida Black Business Investment Board, Inc.		
Appointees:	Jackson, Dorothea U.	06/30/2004
	Nembhard, Mortlake	06/30/2006
Florida State Boxing Commission		
Appointee:	Auger, Barbara D.	09/30/2007
Florida Building Code Administrators and Inspectors Board		
Appointees:	Nagin, Robert D.	10/31/2007
	Pass, Margaret Rose Collins	10/31/2006
Florida Building Commission		
Appointees:	Browdy, Richard S.	01/21/2007
	D'Andrea, Nicholas "Nick", Jr.	01/15/2007
	Gross, Jeffrey	11/21/2007
	Kim, Do Y.	11/21/2007
	Lipka, Leonard	02/03/2007
	Parrino, Craig	07/26/2007
	Sanidas, Christ T.	01/12/2007
	Schulte, Christopher P.	05/01/2007
	Tagliarini, Peter A.	08/11/2007
	Vann, Randall J.	01/31/2007

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Wiggins, George J.	07/26/2007	Miller, David F.	05/31/2007
Capital Collateral Regional Counsel - Middle Region		Weinstein, Michael B.	05/31/2006
Appointee: Jennings, John "Bill" W.	09/30/2006	Board of Trustees of Florida Keys Community College	
Capital Collateral Regional Counsel - Southern Region		Appointees: Bisceglia, Kathryn "Sandi"	05/31/2006
Appointee: Dupree, Neal A.	09/30/2006	Schmitt, Brian C.	05/31/2007
Board of Chiropractic Medicine		Board of Trustees of Gulf Coast Community College	
Appointees: Kirby, Vicki Gates	10/31/2007	Appointees: Grantham, Linda S.	05/31/2007
Florida Citrus Commission		Shoaf, Renee	05/31/2007
Appointees: Carlton, Patrick "Pat"	05/31/2005	Board of Trustees of Hillsborough Community College	
Estes, W. Cody, Sr.	05/31/2006	Appointee: Coton, Daniel Mark	05/31/2007
Falk, Harry Heller	05/31/2006	Board of Trustees of Indian River Community College	
McSweeney, Anina C.	05/31/2006	Appointees: Bols, Werner	05/31/2007
Taylor, Andrew R.	05/31/2006	Bradshaw, Edith O.	05/31/2007
Escambia County Civil Service Board		Patterson, Samuel L.	05/31/2007
Appointees: Fillmore, Mayra I.	02/15/2007	Board of Trustees of Lake City Community College	
Pittman, Hosea D.	02/15/2007	Appointees: Brannan, Robert C. III	05/31/2007
Hillsborough County Civil Service Board		Johnson, Richard J.	05/31/2007
Appointees: Diaz, Andrew G.	07/02/2007	Riherd, Thomas M. II	05/31/2007
Michael, Guanine S.	07/02/2007	Board of Trustees of Lake-Sumter Community College	
Stokes, Willie J.	07/02/2007	Appointees: Simpson, Jon A.	05/31/2007
Board of Clinical Laboratory Personnel		Talley, Jacqueline V.	05/31/2007
Appointees: Barr, Alice R.	10/31/2007	Winter, Carole	05/31/2007
Daniels, Carol W.	10/31/2007	Board of Trustees of Manatee Community College	
Board of Clinical Social Work, Marriage and Family		Appointees: Allen, Ronald J.	05/31/2007
Therapy, and Mental Health Counseling		Hudson, George Trammell "Tramm"	05/31/2007
Appointees: Bebbler, Robert James "Jake"	10/31/2006	Board of Trustees of Miami-Dade Community College	
Colavecchio, Francis R.	10/31/2004	Appointees: Klein, Henry "Hank"	05/31/2007
Macomber, Mary F.	10/31/2007	Roulhac, Peter W.	05/31/2007
Mallery, Sally	10/31/2005	Board of Trustees of North Florida Community College	
Otis, Sharon	10/31/2005	Appointees: Maultsby, John, Jr.	05/31/2007
Roberts, Franklin A.	10/31/2006	Padgett, Lester D.	05/31/2007
Zachary, Jamie L.	10/31/2006	Thomas, Albert, Jr.	05/31/2007
Florida Communities Trust		Board of Trustees of Okaloosa-Walton Community	
Appointees: Myrick, Virginia D.	01/31/2007	College	
Schmitt, Sue	01/31/2007	Appointees: Rainer, Lamar S. III	05/31/2007
Florida Commission on Community Service		Smith, J. E.	05/31/2007
Appointees: Richburg, James R.	09/14/2005	Board of Trustees of Palm Beach Community College	
Woodfaulk, Flora W.	09/14/2006	Appointees: Baumel, Susan K.	05/31/2007
Board of Trustees of Brevard Community College		Pelton, Larry L.	05/31/2007
Appointees: Handley, James W.	05/31/2007	Board of Trustees of Pasco-Hernando Community College	
Wilson, Alberta K.	05/31/2007	Appointees: Homer, Irvin	05/31/2007
Board of Trustees of Broward Community College		Vergara, Pamela S.	05/31/2005
Appointees: Krause, Cheryl W.	05/31/2007	Weightman, Thomas E.	05/31/2007
Tanner, Paul C.	05/31/2007	Wells, Karen	05/31/2007
Board of Trustees of Central Florida Community College		Board of Trustees of Pensacola Junior College	
Appointees: Little, Bernard L., Jr.	05/31/2007	Appointees: McKenzie, Gerald	05/31/2007
Strifler, Betty	05/31/2007	McKinnon, Denis	05/31/2007
Board of Trustees of Chipola Junior College		Pullum, William A.	05/31/2007
Appointees: Clark, Gary F.	05/31/2007	Board of Trustees of Polk Community College	
Crawford, Jeff, Jr.	05/31/2007	Appointees: Platt, Carol A.	05/31/2007
Goodman, Jennie B.	05/31/2007	Roberts, Neriah E.	05/31/2007
Hinson, Abigail	05/31/2007	Board of Trustees of St. Johns River Community College	
Board of Trustees of Daytona Beach Community College		Appointees: Benson, Neil F.	05/31/2005
Appointees: Davison, William H.	05/31/2007	Roberts, William W.	05/31/2007
Desai, Pramila S.	05/31/2007	Board of Trustees of St. Petersburg College	
Petrock, Joseph C.	05/31/2007	Appointees: Bilirakis, Evelyn M.	05/31/2007
Board of Trustees of Edison Community College		Burke, Kenneth P.	05/31/2007
Appointee: Mann, Mary Lee	05/31/2007	Board of Trustees of Santa Fe Community College	
Board of Trustees of Florida Community College at		Appointees: Mallini, George "G.T." T.	05/31/2007
Jacksonville		Perry, Charles R.	05/31/2007
Appointees: Mass, M. F.	05/31/2007	Womack, Evelyn T.	05/31/2007
McGehee, Thomas R., Jr.	05/31/2007	Board of Trustees of Seminole Community College	

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Appointees: Lee, Richard H. Pugh, Verdel R.	05/31/2007 05/31/2007	Appointees: Knight, Clarence G. Palombi, Patricia Y. Someillan, Joseph	10/31/2006 10/31/2005 10/31/2006
Board of Trustees of South Florida Community College		Citrus County Hospital Board	
Appointees: Maenpaa, Richard McKay, Kimble D. Reynolds, Anne D.	05/31/2007 05/31/2007 05/31/2007	Appointee: Chadwick, Sandra Lee	07/03/2007
Board of Trustees of Valencia Community College		Board of Trustees of South Lake County Hospital District	
Appointee: Marchena, Marcos R.	05/31/2007	Appointees: Bailey, Donald B. Berens, Robert E., Jr. McLean, Susan R. Rosario, Jay Ryan, Ronald G. Wade, Robert J.	07/05/2007 07/05/2007 07/05/2007 07/05/2005 07/05/2007 07/05/2007
Construction Industry Licensing Board		Florida Housing Finance Corporation	
Appointees: Blankenship, Michael L. Brown, Joan M. Cox, John J. III Kalmanson, Barry Pietanza, Mark Weller, Edward M.	10/31/2007 10/31/2007 10/31/2006 10/31/2007 10/31/2007 10/31/2006	Appointee: Stultz, Lynn M.	11/13/2004
State of Florida Correctional Medical Authority		Florida Commission on Human Relations	
Appointees: Tedder, Deborah A. Wynn, Mary Jane	09/30/2006 07/01/2006	Appointees: Craig, Rita Barreto Roberts, Keith A. Saliba, Dominique B.	09/30/2007 09/30/2007 09/30/2007
Board of Trustees for the Florida School for the Deaf and the Blind		Commission for Independent Education	
Appointees: Grau, Celida Parrish, Herschel H., Jr.	11/14/2006 11/07/2007	Appointees: Bradley, Nancy M. Knobel, David Royse, Marvin Wayne	06/30/2005 06/30/2006 06/30/2006
Board of Dentistry		Florida Inland Navigation District	
Appointees: Ackley, Eva F. Dallas, Michele A.	10/31/2007 10/31/2007	Appointees: Booth, John D. Faulkner, Charles R. Kavanagh, George L. Mesiano, Michael D. Sansom, Jerry H. Vogel, Cathleen C.	01/09/2007 01/09/2007 01/09/2007 01/09/2007 01/09/2007 01/09/2007
Florida Development Finance Corporation		Governor's Mansion Commission	
Appointees: de la Rosa, Jose Luis Harris, Jerry L. Pelton, Larry L.	05/02/2007 05/02/2006 05/02/2006	Appointee: Uhlfelder, Mifflin H.	09/30/2007
Education Practices Commission		Board of Massage Therapy	
Appointees: Buckley, Christine "Chris" R. Donovan, Brian T.	09/30/2006 09/30/2007	Appointees: Hanselman, Elizabeth Kelly, Jacqueline Owen, Brenda J. Vala, Andrea	10/31/2005 10/31/2007 10/31/2006 10/31/2007
Board of Employee Leasing Companies		Board of Medicine	
Appointees: Crum, Frank W., Jr. Dockery, Celeste D. Moore, Ryan S. Rodriguez, Carlos	10/31/2006 10/31/2007 10/31/2007 10/31/2006	Appointees: Avila, Mark S. Coto, Manuel J. Dyches, Ronald W. Ondra, Gordon W. Zachariah, Mammen P.	10/31/2006 10/31/2006 10/31/2004 10/31/2007 10/31/2007
Board of Professional Engineers		Board of Nursing	
Appointees: Burke, John C. Matthews, Robert L. Rebane, Henn Rivera, Daniel J. Rose, Albert E. Velazquez, Gloria M.	10/31/2006 10/31/2006 10/31/2007 10/31/2007 10/31/2007 10/31/2006	Appointees: Habgood, Mary Kay Parks, Mindy Beth Powers, Patsey J.	10/31/2006 10/31/2005 10/31/2006
Commission on Ethics		Board of Nursing Home Administrators	
Appointees: Antonacci, Peter Grant, John A., Jr. Gustafson, Joel K. Linstroth, John P.	06/30/2005 06/30/2005 06/30/2005 06/30/2005	Appointees: Chase, Bertha H. English, Charles W. Gallagher, S. Duane McDonnell, John J.	10/31/2005 10/31/2007 10/31/2006 10/31/2005
Tampa-Hillsborough County Expressway Authority		Board of Occupational Therapy Practice	
Appointees: Hargrett, James T., Jr. Lopez-Isa, Alba R.	07/01/2005 07/01/2007	Appointees: Diezel, Zoraida Garcia, Laura A. Hickman, Shelley I. McIntosh, Lisa Carlisle Scott, Rodney P. Shaub, Linda Watson, Michele D.	10/31/2004 10/31/2004 10/31/2005 10/31/2007 10/31/2006 10/31/2006 10/31/2007
Fish and Wildlife Conservation Commission		Board of Opticianry	
Appointee: Yablonski, Brian S.	01/05/2009	Appointees: Calvo, David Holt, Pamela P. Perez, Maria E.	10/31/2004 10/31/2007 10/31/2007
Board of Funeral and Cemetery Services		Board of Optometry	
Appointees: Ballas, Parascho Peter Brudnicki, Greg	09/08/2007 09/08/2007		
Board of Professional Geologists			
Appointees: Francisco, Valerie R. McNeill, Donald F. Pease, James W. Smith, Stuart	10/31/2007 10/31/2005 10/31/2005 10/31/2006		
Board of Hearing Aid Specialists			

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Appointees: Easton, Robert M., Jr. Pierie, Raymond W.	10/31/2007 10/31/2007	Appointees: Friday, Shawnta Grassi, Michele A. Johnson, Ethel E. Nunez, Morfia Joy Rappa, David J. Waggoner, Deborah M. Weiss, Ellen H.	10/31/2005 10/31/2007 10/31/2005 10/31/2007 10/31/2006 10/31/2007 10/31/2006
Board of Orthotists and Prosthetists Appointees: Gillis, Arlene Gingras, Ronald Goris, David S. Moya, Roberto A. Ramos, Jorge G., Sr.	10/31/2006 10/31/2007 10/31/2006 10/31/2005 10/31/2007	State Retirement Commission Appointee: Myers, Alice C.	12/31/2007
Board of Osteopathic Medicine Appointees: Rodriguez, Richard Swan, Nadine C.	10/31/2007 10/31/2007	Jacksonville Port Authority Appointees: Fiorentino, T. Martin "Marty", McAfee, Marilyn	09/30/2007 09/30/2007
Board of Pharmacy Appointees: Alvarez, Eric M. Goersch, Brigitte R. Krestan, Patricia A. Merrell, Gail Annette Salem, Ronald B.	10/31/2006 10/31/2006 10/31/2005 10/31/2007 10/31/2007	Florida Space Authority Appointees: Baker, Silas K., Jr. Barnhart, Deborah E.	06/30/2004 06/30/2005
Board of Physical Therapy Practice Appointees: Middleton, Marilyn J. Trittschuh, John C.	10/31/2007 10/31/2005	Board of Speech-Language Pathology and Audiology Appointees: Mincow, Robert Pizarro-Zeigler, Elena Ramirez, Dania Lopez Steck, Stephen M.	10/31/2004 10/31/2006 10/31/2006 10/31/2007
Board of Pilot Commissioners Appointees: Buford, Rivers H., Jr. Hiers, John M. Leech, David A. McMillin, Earl R. Molitor, Donald "Don" N.	10/31/2004 10/31/2007 10/31/2006 10/31/2005 10/31/2004	Board of Professional Surveyors and Mappers Appointee: Greer, Sidney H.	10/31/2006
Pilotage Rate Review Board Appointees: Hugins, Michael R. Johnson, Clarence T., Jr. Reynolds, Stephen H. Robinson, Tanya Y. Stow, Weston L.	10/31/2004 10/31/2005 10/31/2006 10/31/2006 10/31/2007	Jacksonville Transportation Authority Appointees: Harper, Donna L. Johns, A. J. Sawyer, J. Charles	05/31/2007 05/31/2006 05/31/2007
Board of Podiatric Medicine Appointee: Fishman, Tamara D.	10/31/2007	Florida Transportation Commission Appointees: Holton, James W. Namoff, R. M. Straz, David A., Jr. Watermeier, Janet	09/30/2007 09/30/2007 09/30/2007 09/30/2007
Tampa Port Authority Appointee: Ringhaver, Lance C.	11/15/2007	Florida Commission on Veterans' Affairs Appointee: Coleman, William C.	11/16/2004
Board of Psychology Appointees: Goldstein, Herbert Jenkins-Hall, Katurah Martin-Lavielle, Ana	10/31/2007 10/31/2006 10/31/2006	Big Cypress Basin Board of the South Florida Water Management District Appointees: Abbott, Alicia Boldt, John H.	03/01/2006 03/01/2006
Chair, Public Employees Relations Commission Appointee: Poole, Donna Maggert	01/01/2008	Coastal Rivers Basin Board of the Southwest Florida Water Management District Appointee: Perry, Elaine	03/01/2006
Florida Real Estate Appraisal Board Appointees: Brown, Douglas E. Roth, Edward A. Small, Jay W.	10/31/2005 10/31/2004 10/31/2004	Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District Appointee: Jordon-Robinson, Joseph W., Jr.	03/01/2006
Florida Real Estate Commission Appointees: Beals, Robert L. Hogan, Nancy B. Veissi, Madeline H.	10/31/2006 10/31/2006 10/31/2007	Withlacoochee River Basin Board of the Southwest Florida Water Management District Appointee: Huss, Robert B., Jr.	03/01/2006
West Florida Regional Planning Council, Region 1 Appointees: Barnes, Antonius G. Frakes, Lucinda J.	Pleasure of Governor Pleasure of Governor	The following executive appointment was referred to the Senate Committee on Commerce, Economic Opportunities, and Consumer Services and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:	
Apalachee Regional Planning Council, Region 2 Appointee: Frisby, David	10/01/2005	<i>Office and Appointment</i>	<i>For Term Ending</i>
Treasure Coast Regional Planning Council, Region 10 Appointees: Hershey, Susan J. Trias, Ramon	10/01/2005 10/01/2005	Board of Directors, Enterprise Florida, Inc. Appointee: Michaels, J. Patrick, Jr.	10/10/2007
South Florida Regional Planning Council, Region 11 Appointee: Perez, Marta	10/01/2004	The following executive appointment was referred to the Senate Committee on Comprehensive Planning and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:	
Board of Respiratory Care			

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Secretary of Community Affairs Appointee: Cohen, Thaddeus L.	Pleasure of Governor	Board of Trustees, Florida International University Appointees: Atkins, Betsy Lopez, Miriam Parker, David R. Sugranes, Rosa Wertheim, Herbert A.	01/06/2005 01/06/2006 01/06/2005 01/06/2006 01/06/2008
The following executive appointment was referred to the Senate Committee on Criminal Justice and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:			
<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Executive Director of Department of Law Enforcement Appointee: Tunnell, Guy M.	Pleasure of Governor and Cabinet	Board of Trustees, New College of Florida Appointees: Allen, Robert N., Jr. Cranor, John M. III Dupree, Jerome Hudson, Warren P. Mason, Raymond E., Jr. Misemer, Kenneth R.	01/06/2005 01/06/2008 01/06/2006 01/06/2005 01/06/2005 01/06/2006
Parole Commission Appointee: Pate, Tena M.	06/30/2004	Board of Trustees, University of Florida Appointees: Alfonso, Carlos J. Brown, C. David II McGriff, W. A. III Merkel, Joelen K. Morgan, Dianna O'Connell, Cynthia F. Powell, Earl W. Thweatt, Albert W. Warrington, Alfred C. IV	01/06/2006 01/06/2008 01/06/2006 01/06/2005 01/06/2006 01/06/2006 01/06/2005 01/06/2005 01/06/2008
The following executive appointment was referred to the Senate Committee on Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:			
<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
State Board of Education Appointee: Taylor, Linda K.	12/31/2005	Board of Trustees, University of North Florida Appointees: Abdullah, Edythe M. Coggin, Luther W. Crawford, Toni Douglas, T. O'Neal Halverson, Steven T. Hicks, Ann Curry Twomey, Kevin M.	01/06/2005 01/06/2005 01/06/2006 01/06/2006 01/06/2005 01/06/2006 01/06/2008
Board of Governors Appointees: Bryant, Castell Vaughn Pappas, M. Lynn Parker, Ava L. Rummell, Peter S.	01/06/2006 01/06/2005 01/06/2010 01/06/2006	Board of Trustees, University of South Florida Appointees: Arnold, Lee E., Jr. Beard, Richard A. III Burton, Steven G. Duncan, Ann Wilkins Garcia, Sonja W. Law, Rhea F. Patel, Kiran C. Sembler, Debbie Nye Soran, Robert	01/06/2006 01/06/2008 01/06/2005 01/06/2006 01/06/2005 01/06/2008 01/06/2005 01/06/2006 01/06/2005
Board of Trustees, Florida A & M University Appointees: Benjamin, Regina Branker, Laura Cardenas, Alberto R. Hanna, Randall W. Holmes, R. B., Jr. Jenkins, Leerie T., Jr. Jennings, C. W. Lowe, Challis M.	01/06/2005 01/06/2005 01/06/2008 01/06/2005 01/06/2006 01/06/2006 01/06/2008 01/06/2006	Board of Trustees, University of West Florida Appointees: Bell, Honor M. Clark, Kenneth C. Horner, Charles A. Merrill, J. Collier Morgan, JoAnn H. Phillips, Eddie E. Smith, Roy W., Jr.	01/06/2005 01/06/2006 01/06/2008 01/06/2008 01/06/2006 01/06/2005 01/06/2005
Board of Trustees, Florida Atlantic University Appointees: Bryant, William J. McPherson, Geraldine "Gerri" P Tripp, Norman D. Warshal, Bruce S. Zoley, George C.	01/06/2006 01/06/2006 01/06/2005 01/06/2005 01/06/2008	The following executive appointment was referred to the Senate Committee on Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Ethics and Elections did not consider the following appointment during the 2004 Regular Session. The Senate Committee on Education considered and recommended the confirmation of the executive appointment pursuant to Rule 12.7(1) of the Rules of the Florida Senate.	
Board of Trustees, University of Central Florida Appointees: Christiansen, Patrick T. Lee, Richard H. Rosen, Harris Walsh, Richard J. Yochum, Thomas H.	01/06/2005 01/06/2005 01/06/2008 01/06/2006 01/06/2006	<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Trustees, Florida State University Appointees: Brooks, Derrick Ford, David B. Furlow, Jessie Garcia, Manuel A. III Knowles, Harold M. Marshall, J. Stanley McGee, Elizabeth Ann	01/06/2005 01/06/2006 01/06/2005 01/06/2006 01/06/2005 01/06/2005 01/06/2008	Board of Governors Appointee: McDevitt, Sheila M.	01/06/2010
Board of Trustees, Florida Gulf Coast University Appointees: Cobb, Brian E. Lester, W. Bernard Lucas, David Moon, Harry K. Morton, Edward A. Starkey, Jerry Villalobos, Plutarco M.	01/06/2006 01/06/2005 01/06/2005 01/06/2006 01/06/2008 01/06/2006 01/06/2005	As required by Rule 12.7(1), the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointee.	
		After due consideration of the finding of such inquiry and the evidence adduced at the public hearing, the Committee on Education respectfully	

advised and recommended that in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointment of the above-named appointee, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointment be taken prior to the adjournment of the 2004 Regular Session; and

(3) there is no necessity known to the committee for the deliberations on said appointment to be held in executive session.

The following executive appointments were referred to the Senate Committee on Governmental Oversight and Productivity and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment

Director and Chief Judge, Division of Administrative Hearings

Appointee: Cohen, Robert S.

*For Term
Ending*

Pleasure of
Admin
Commission

Investment Advisory Council

Appointees: Burton, Donald W.
Jaeb, John R.

12/31/2007
12/12/2007

The following executive appointments were referred to the Senate Committee on Natural Resources and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment

Secretary of Environmental Protection

Appointee: Castille, Colleen M.

*For Term
Ending*

Pleasure of
Governor

Governing Board of the Northwest Florida Water Management District

Appointees: Bradshaw, Paul R.
Gaskin, Sharon T.

03/01/2008
03/01/2008

Executive Director of Northwest Florida Water Management District

Appointee: Barr, Douglas E.

Pleasure of
The Board

Governing Board of the St. Johns River Water Management District

Appointees: Hughes, Susan N.
Kerr, William W.
Ottenstroer, Duane L.
Sowinski, John G.

03/01/2006
03/01/2008
03/01/2008
03/01/2007

Executive Director of St. Johns River Water Management District

Appointee: Green, Kirby B. III

Pleasure of
The Board

Governing Board of the South Florida Water Management District

Appointees: Gutierrez, Nicolas J., Jr.
Thornton, Harkley R.

03/01/2008
03/01/2008

Executive Director of South Florida Water Management District

Appointee: Dean, Henry

Pleasure of
The Board

Governing Board of the Southwest Florida Water Management District

Appointee: Whitehead, Judith C.

03/01/2007

Executive Director of Southwest Florida Water Management District

Appointee: Moore, David L.

Pleasure of
The Board

Office and Appointment

Governing Board of the Suwannee River Water Management District

Appointees: Tatum, Sylvia J.

*For Term
Ending*

03/01/2008

Executive Director of Suwannee River Water Management District

Appointee: Scarborough, Jerry A.

Pleasure of
The Board

As required by Rule 12.7(1), the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 2004 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully Submitted,
Anna P. Cowin, Chairman

Senator Cowin moved the adoption of the report and that the Senate confirm the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee.

Senator Bennett called for a division of the question to remove the appointment of Craig Parrino as a member of the **Florida Building Commission** from the report and that all other appointments contained therein be confirmed. The motion was adopted without objection and the Senate confirmed the appointments identified in the report to the offices and for the terms indicated.

The vote was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

On motion by Senator Bennett, consideration of the appointment of Craig Parrino as a member of the **Florida Building Commission** was deferred.

BILLS ON THIRD READING, continued

CS for SB 2762—A bill to be entitled An act relating to driving under the influence; amending s. 316.193, F.S.; providing that a previous conviction for the offense of driving under the influence is sufficient evidence to establish such conviction; providing that such evidence may be rebutted or contradicted; providing an effective date.

—was read the third time by title.

MOTION

On motion by Senator Lynn, the rules were waived to allow the following amendment to be considered:

Senator Lynn moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (972820)(with title amendment)—On page 1, between lines 24 and 25, insert:

Section 2. *The Department of Highway Safety and Motor Vehicles shall review the materials submitted by the law enforcement officer to determine whether the materials comply with applicable statutes, rules, and policies, and the department shall inform the law enforcement officer when a deficiency exists so that the deficiency may be corrected prior to the hearing.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: requiring the Department of Highway Safety and Motor Vehicles to review materials submitted by the law enforcement officer to determine whether the materials comply with applicable statutes, rules, and policies; directing the department to inform the law enforcement officer when a deficiency exists so that the deficiency may be corrected prior to the hearing;

On motion by Senator Smith, **CS for SB 2762** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 1928—A bill to be entitled An act relating to the unlawful use of a recording device in a motion picture theater; providing definitions; providing that a person who knowingly operates the audiovisual recording function of any device in a motion picture theater with the intent of recording a motion picture under certain circumstances commits a criminal offense; providing criminal penalties; providing for the imposition of criminal fines; requiring theater owners to display certain signs under specified conditions; specifying that failure to display the signs does not create liability for the theater owners; authorizing the theater owner to detain a person in violation of the act; providing immunity to the theater owner for detaining a person in violation of the act while awaiting the arrival of a law enforcement officer; providing an exception to the immunity; providing that an employee or agent of certain law enforcement, protective services, or investigative agencies may operate an audiovisual recording device as part of a lawfully authorized activity; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Atwater, **CS for SB 1928** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Alexander	Aronberg	Bennett
Argenziano	Atwater	Bullard

Campbell	Geller	Peaden
Carlton	Haridopolos	Posey
Clary	Hill	Pruitt
Constantine	Jones	Saunders
Cowin	Klein	Sebesta
Crist	Lawson	Smith
Diaz de la Portilla	Lee	Villalobos
Dockery	Lynn	Wasserman Schultz
Fasano	Margolis	Webster
Garcia	Miller	Wise

Nays—2

Siplin	Wilson
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Vote after roll call:

Nay—Dawson

HB 221—A bill to be entitled An act relating to assisting self-murder; amending s. 782.08, F.S.; revising element of offense; providing legislative findings; providing definitions; providing criminal penalties; amending s. 921.0022, F.S.; ranking the offense of assisting self-murder on the offense severity ranking chart of the Criminal Punishment Code; reenacting s. 790.065(2)(c), F.S.; incorporating the amendment to s. 782.08, F.S., in a reference thereto; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Miller, **HB 221** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CLAIM BILL CALENDAR

HB 765—A bill to be entitled An act relating to Escambia County; providing for the relief of Bronwen Dodd; authorizing and directing the District School Board of Escambia County to compensate Bronwen Dodd for personal injuries that she suffered due to the negligence of an employee of the school board; providing for attorney's fees and costs; providing an effective date.

—was read the third time by title.

On motion by Senator Lawson, **HB 765** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Cowin	Jones
Argenziano	Crist	Klein
Aronberg	Dawson	Lawson
Atwater	Diaz de la Portilla	Lee
Bennett	Dockery	Lynn
Bullard	Fasano	Margolis
Campbell	Garcia	Miller
Carlton	Geller	Peaden
Clary	Haridopolos	Posey
Constantine	Hill	Pruitt

Saunders	Smith	Wasserman Schultz
Sebesta	Villalobos	Wilson
Siplin		
Nays—2		
Webster	Wise	

CS for SB 16—A bill to be entitled An act relating to Indian River County; providing for the relief of Debra Smith, Pamela Hughes, Michael Truitt, and Charles Hughes; authorizing and directing the Indian River County School Board to compensate them for the death of their father, Sammie Lee Hughes, due to the negligence of the school board; providing for attorney's fees and costs; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **CS for SB 16** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Wilson
Crist	Lynn	
Dawson	Margolis	

Nays—2

Webster	Wise
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Consideration of **CS for SB 18** and **CS for SB 20** was deferred.

HB 349—A bill to be entitled An act relating to the Hillsborough County School Board; providing for the relief of Alana Kelly and Richard F. Taylor, Sr.; providing for an appropriation to compensate them for the death of their son, Richard F. Taylor, Jr., caused by the negligence of a Hillsborough County School Board employee; providing for attorney's fees and costs; providing an effective date.

—was read the third time by title.

On motion by Senator Hill, further consideration of **HB 349** was deferred.

BILLS ON THIRD READING, continued

The Senate resumed consideration of—

CS for CS for CS for CS for SB 2488—A bill to be entitled An act relating to the Florida Hurricane Catastrophe Fund; amending s. 215.555, F.S.; redefining and defining terms; providing for the State Board of Administration to specify interest due on delinquent remittances; revising conditions of, amounts of, and procedures relating to reimbursement contracts; revising maximum rates of, procedures relating to, and types of insurance subject to emergency assessments; revising provisions relating to reinsurance; deleting expired provisions; requiring insurers to make a rate filing or certification for policies covered under the act; providing effective dates.

—which was previously considered this day. Pending **Amendment 1 (420216)** by Senator Atwater was withdrawn.

On motion by Senator Alexander, **CS for CS for CS for CS for SB 2488** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CLAIM BILL CALENDAR, continued

HB 683—A bill to be entitled An act relating to Volusia County; providing for the relief of Cordell Davidson and Veronica Hensley Davidson; providing for an appropriation to compensate them for injuries and damages suffered as a result of the negligence of Volusia County; providing a schedule of payments; providing an effective date.

—was read the third time by title. On motion by Senator Lynn, **HB 683** was passed and certified to the House. The vote on passage was:

Yeas—36

Alexander	Diaz de la Portilla	Margolis
Argenziano	Dockery	Miller
Aronberg	Fasano	Peaden
Atwater	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Saunders
Campbell	Hill	Sebesta
Carlton	Jones	Siplin
Clary	Klein	Smith
Constantine	Lawson	Villalobos
Crist	Lee	Wasserman Schultz
Dawson	Lynn	Wilson

Nays—3

Cowin	Webster	Wise
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HB 929—A bill to be entitled An act for the relief of Cindy Haider, wife of Jeffrey Haider, deceased, Alan Haider, adult dependent child of Jeffrey Haider, deceased, Max Haider, adult child of Jeffrey Haider, deceased, Jonathan Haider, adult child of Jeffrey Haider, deceased, and Jessica Haider, adult child of Jeffrey Haider, deceased, by the South Broward Hospital District; providing for an appropriation to compensate them for injuries and damages sustained as a result of the negligence of the South Broward Hospital District; providing for the establishment of trusts and requirements with respect thereto; providing for attorney's fees and costs; providing an effective date.

—was read the third time by title. On motion by Senator Diaz de la Portilla, **HB 929** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Cowin	Jones
Argenziano	Crist	Klein
Aronberg	Dawson	Lawson
Atwater	Diaz de la Portilla	Lee
Bennett	Dockery	Lynn
Bullard	Fasano	Margolis
Campbell	Garcia	Miller
Carlton	Geller	Peaden
Clary	Haridopolos	Posey
Constantine	Hill	Pruitt

Saunders	Smith	Wasserman Schultz
Sebesta	Villalobos	Wilson
Siplin		
Nays—2		
Webster	Wise	

RECONSIDERATION OF BILL

On motion by Senator Posey, the Senate reconsidered the vote by which—

CS for SB 16—A bill to be entitled An act relating to Indian River County; providing for the relief of Debra Smith, Pamela Hughes, Michael Truitt, and Charles Hughes; authorizing and directing the Indian River County School Board to compensate them for the death of their father, Sammie Lee Hughes, due to the negligence of the school board; providing for attorney's fees and costs; providing an effective date.

—passed this day.

Pending further consideration of **CS for SB 16**, on motion by Senator Posey, by two-thirds vote **HB 835** was withdrawn from the Special Master; and the Committees on Education; and Finance and Taxation.

On motion by Senator Posey, by two-thirds vote—

HB 835—A bill to be entitled An act relating to Indian River County; providing for the relief of Debra Smith, Pamela Hughes, Michael Truitt, and Charles Hughes; authorizing and directing the Indian River County School Board to compensate them for the death of their father, Sammie Lee Hughes, due to the negligence of the school board; providing for payment of attorney's fees and costs; providing an effective date.

—a companion measure, was substituted for **CS for SB 16** and by two-thirds vote read the second time by title.

On motion by Senator Posey, by two-thirds vote **HB 835** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Alexander	Dawson	Margolis
Argenziano	Diaz de la Portilla	Miller
Aronberg	Dockery	Peaden
Atwater	Fasano	Posey
Bennett	Garcia	Pruitt
Bullard	Geller	Saunders
Campbell	Haridopolos	Sebesta
Carlton	Hill	Siplin
Clary	Jones	Smith
Constantine	Lawson	Villalobos
Cowin	Lee	Wasserman Schultz
Crist	Lynn	Wilson
Nays—2		
Webster	Wise	

On motion by Senator Posey, by two-thirds vote **HB 833** was withdrawn from the Special Master; and the Committees on Education; and Finance and Taxation.

On motion by Senator Posey, by two-thirds vote—

HB 833—A bill to be entitled An act relating to the Indian River County School Board; providing for the relief of Amanda Johnson, a minor, by and through Virginia Johnson and Charles Johnson, her parents and natural guardians; providing for an appropriation to compensate her for injuries sustained due to the negligence of the Indian River County School Board; providing for the use of such funds; providing for attorney's fees and costs; providing an effective date.

—a companion measure, was substituted for **CS for SB 18** and by two-thirds vote read the second time by title. On motion by Senator Posey,

by two-thirds vote **HB 833** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Alexander	Dawson	Margolis
Argenziano	Diaz de la Portilla	Miller
Aronberg	Dockery	Peaden
Atwater	Fasano	Posey
Bennett	Garcia	Pruitt
Bullard	Geller	Saunders
Campbell	Haridopolos	Sebesta
Carlton	Hill	Siplin
Clary	Jones	Smith
Constantine	Klein	Villalobos
Cowin	Lawson	Wasserman Schultz
Crist	Lynn	Wilson
Nays—2		
Webster	Wise	

On motion by Senator Posey, by two-thirds vote **HB 831** was withdrawn from the Special Master; and the Committees on Education; and Finance and Taxation.

On motion by Senator Posey, by two-thirds vote—

HB 831—A bill to be entitled An act relating to the Indian River County School Board; providing for the relief of Ryan Besancon, a minor, by and through his parents and natural guardians, Mark and Laurie Besancon, for injuries sustained due to the negligence of the Indian River County School Board; providing for the use of such funds; providing for restrictions on the expenditure of funds; providing an effective date.

—a companion measure, was substituted for **CS for SB 20** and by two-thirds vote read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 831** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Wilson
Crist	Lynn	
Dawson	Margolis	
Nays—2		
Webster	Wise	

BILLS ON THIRD READING, continued

Consideration of **SB 534**, **CS for SB 552** and **CS for SB 630** was deferred.

CONSENT CALENDAR

CS for CS for CS for SB 1770—A bill to be entitled An act relating to the Florida beef industry; creating s. 570.9135, F.S.; providing a popular name; providing legislative intent; defining terms; creating the Florida Beef Council, Inc.; providing purposes; providing powers and duties of the council and restrictions upon actions of the council; providing for a board of directors of the council; providing for a referendum on assessments to be deducted from the sale of each head of cattle; allowing the council to accept grants and gifts; providing guidelines for payments to other organizations; providing for the collection of assessments at the

time of marketing; providing duties of marketing agents and collecting agents; requiring the council to maintain a separate accounting of moneys received from assessments; providing for legal action to collect delinquent assessments; providing for the collection of penalties, enforcement costs, court costs, and reasonable attorney's fees; providing for a collection allowance; providing for refunds; providing for a referendum on continuing this act; providing for council bylaws; providing a contingent effective date.

—was read the second time by title. On motion by Senator Argenziano, by two-thirds vote **CS for CS for SB 1770** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Margolis	Wilson
Crist	Miller	Wise

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Lynn

SB 2688—A bill to be entitled An act relating to guardianship; amending s. 737.2065, F.S.; authorizing the guardian of the property of an incapacitated person to contest the validity of a trust before it becomes irrevocable; amending s. 744.311, F.S.; requiring the court to determine whether there is an alternative to guardianship if a person is determined incapable of exercising his or her delegable rights; authorizing an interested person to file a verified statement indicating a belief that an incapacitated person's trust, trust amendment, or durable power of attorney is invalid, in which case such instrument may not be an alternative to the appointment of a guardian; amending s. 744.441, F.S.; requiring the court to determine whether an action contesting the validity of a trust is in the ward's best interests before authorizing a guardian to bring such actions; creating s. 744.462, F.S.; requiring that the validity of a ward's durable power of attorney, trust, or trust amendment be reported in the guardianship proceedings; requiring the court to review the continued need for a guardian and delegation of the ward's rights under certain conditions; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Campbell and adopted:

Amendment 1 (915344)—On page 1, line 25, delete “fir” and insert: for

On motion by Senator Campbell, by two-thirds vote **SB 2688** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Alexander	Cowin	Jones
Argenziano	Crist	Klein
Aronberg	Dawson	Lawson
Atwater	Diaz de la Portilla	Lynn
Bennett	Dockery	Margolis
Bullard	Fasano	Miller
Campbell	Garcia	Peaden
Carlton	Geller	Posey
Clary	Haridopolos	Pruitt
Constantine	Hill	Saunders

Sebesta
Siplin
Smith

Villalobos
Wasserman Schultz
Webster

Wilson
Wise

Nays—None

On motion by Senator Crist, by two-thirds vote **HB 457** was withdrawn from the Committees on Agriculture; Natural Resources; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Crist—

HB 457—A bill to be entitled An act relating to the Lowry Park Zoo; recognizing the Lowry Park Zoo as a state center for Florida species conservation and biodiversity; providing for construction; providing an effective date.

—a companion measure, was substituted for **CS for SB 1870** and read the second time by title. On motion by Senator Crist, by two-thirds vote **HB 457** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Constantine

CS for SB 1590—A bill to be entitled An act relating to primary and comprehensive stroke centers; providing legislative intent relating to primary and comprehensive stroke centers; providing definitions; directing the Agency for Health Care Administration to create a list of primary and comprehensive stroke centers; directing the agency to adopt rules establishing criteria for primary and comprehensive stroke centers; requiring the Department of Health to distribute the list to certain persons and entities; prohibiting a person from advertising that a facility is a state-listed stroke center unless the facility meets the established criteria; directing the department to develop a stroke triage assessment tool; requiring licensed emergency medical services providers to use the stroke triage assessment tool; requiring licensed emergency medical services providers to develop and use certain specified protocols; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **CS for SB 1590** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Cowin	Jones
Argenziano	Crist	Klein
Aronberg	Dawson	Lawson
Atwater	Diaz de la Portilla	Lee
Bennett	Dockery	Lynn
Bullard	Fasano	Margolis
Campbell	Garcia	Miller
Carlton	Geller	Peaden
Clary	Haridopolos	Posey
Constantine	Hill	Pruitt

Saunders
Sebesta
Siplin
Nays—None

Smith
Villalobos
Wasserman Schultz

Webster
Wilson
Wise

Villalobos
Wasserman Schultz
Nays—1
Dawson

Webster
Wilson
Wise

CS for SB 364—A bill to be entitled An act relating to options for accelerated high school graduation; amending s. 1003.429, F.S.; amending requirements applicable to the selection of such an accelerated option; amending required courses for the 3-year standard college preparatory program; deleting provisions authorizing a student to select a 3-year standard career preparatory program; revising requirements for grades that must be earned to participate in the accelerated program; providing for default to the standard graduation requirements in certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Constantine and adopted:

Amendment 1 (095370)—On page 2, lines 14-16, delete those lines and insert:

4. Three credits in social sciences, *including one credit in American history, one credit in world history, one-half credit in American government, and one-half credit in economics*;

On motion by Senator Constantine, by two-thirds vote **CS for SB 364** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 678—A bill to be entitled An act relating to assault or battery on officials; amending s. 784.081, F.S.; providing enhanced penalties for the offense of assault, battery, aggravated assault, or aggravated battery if the offense is committed upon a sports official; providing an effective date.

—was read the second time by title. On motion by Senator Smith, by two-thirds vote **CS for SB 678** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Crist	Lee
Argenziano	Diaz de la Portilla	Lynn
Aronberg	Dockery	Margolis
Atwater	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Saunders
Clary	Jones	Sebesta
Constantine	Klein	Siplin
Cowin	Lawson	Smith

CS for SB 2444—A bill to be entitled An act relating to property tax; amending s. 194.011, F.S.; revising requirements for petitioners and property appraisers with respect to providing evidence lists and documentation for proceedings of the value adjustment board; amending s. 194.032, F.S.; requiring that a petitioner be notified earlier of a scheduled appearance before the value adjustment board; amending s. 195.062, F.S.; authorizing the Department of Revenue to provide additional information in its update of the manual of instructions for property appraisers and other officials; repealing s. 373.516, F.S., relating to the assessment of rights-of-way of railroads and other public service corporations; creating s. 689.261, F.S.; requiring a seller to give notice to the prospective purchaser of homestead property concerning ad valorem taxes on the property; specifying the form of notice; creating s. 193.017, F.S.; providing for assessment of property used for affordable housing and subject to a low-income housing tax credit; amending s. 194.181, F.S.; authorizing a person other than the taxpayer to contest the assessment of any tax; designating the tax collector as the defendant with respect to questions relating to applications for tax deeds; amending s. 197.502, F.S.; providing for the escheatment of lands available for taxes; defining the term “contiguous” for purposes of ch. 197, F.S.; providing that submerged sovereignty lands are not contiguous for purposes of certain notice requirements; requiring that a search of official records for purposes of obtaining a tax deed be made by a direct and inverse search; authorizing the tax collector to contract for higher limits of liability than otherwise provided; amending s. 193.501, F.S.; clarifying a prohibition on the restriction of the normal use and maintenance of land that is subject to conservation restrictions; amending s. 1011.62, F.S.; prescribing the method by which the Department of Revenue is required to calculate the assessment level for purposes of equalizing the required local effort to fund the operation of schools; specifying that the provisions of the act apply to the assessment level for 2004 and after; ratifying any certification made under prior provisions of law; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote **CS for SB 2444** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 2306—A bill to be entitled An act relating to radiologists performing mammograms; providing legislative findings; providing for studies; providing for membership of a workgroup; providing for reports; providing an effective date.

—was read the second time by title. On motion by Senator Lynn, by two-thirds vote **CS for SB 2306** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Aronberg	Bennett
Argenziano	Atwater	Bullard

Campbell	Geller	Posey
Carlton	Haridopolos	Pruitt
Clary	Hill	Saunders
Constantine	Jones	Sebesta
Cowin	Klein	Smith
Crist	Lawson	Villalobos
Dawson	Lee	Wasserman Schultz
Diaz de la Portilla	Lynn	Webster
Dockery	Margolis	Wilson
Fasano	Miller	Wise
Garcia	Peaden	

Nays—None

CS for SB 1922—A bill to be entitled An act relating to regulatory assessment fees; amending s. 163.01, F.S.; revising provisions for a separate legal entity to acquire, own, construct, improve, operate, and manage or finance certain public facilities; defining terms; requiring certain notice to host government by the separate legal entity that seeks to acquire any utility; providing procedures for the host government to accept or reject the proposal; requiring the separate legal entity to accept the host government as a member upon adoption of a membership resolution by the host government; providing for the separate legal entity to proceed with the acquisition if the host government does not act; requiring any transfer or payment by the separate legal entity to a member or other local government to be solely from user fees or other charges or revenues generated from customers that are physically located within the jurisdictional or service delivery boundaries of the member or local government receiving the transfer or payment; creating s. 367.0813, F.S.; clarifying state policy that specifies that gains or losses from a purchase or condemnation of a utility's assets which result in the loss of customers served by such assets and the associated future revenue streams shall be borne by the shareholders of the utility; providing for severability; providing for application; amending s. 367.145, F.S., requiring large water and wastewater utilities to pay regulatory assessment fees semiannually; requiring small utilities with revenues less than a certain amount to pay annually; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (181306)—In title, on page 1, delete line 2 and insert: An act relating to water and wastewater utilities;

On motion by Senator Bennett, by two-thirds vote **CS for SB 1922** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Villalobos
Carlton	Jones	Wasserman Schultz
Clary	Klein	Webster
Constantine	Lawson	Wilson
Cowin	Lee	Wise
Crist	Lynn	
Dawson	Margolis	

Nays—None

SB 276—A bill to be entitled An act relating to vessel registration requirements; amending s. 328.72, F.S.; exempting vessels owned by Safe Harbor Haven, Inc., from certain vessel registration fees; providing an effective date.

—was read the second time by title. On motion by Senator Wise, by two-thirds vote **SB 276** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SB 194—A bill to be entitled An act relating to developmental disabilities; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to develop a model waiver program for children with specified disorders; providing for implementation subject to the availability of funds; providing an effective date.

—was read the second time by title. On motion by Senator Wasserman Schultz, by two-thirds vote **SB 194** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SJR 566—A joint resolution proposing an amendment to Section 2 of Article I of the State Constitution, relating to basic rights.

—was read the second time by title.

On motion by Senator Geller, further consideration of **SJR 566** was deferred.

CS for SB 1514—A bill to be entitled An act relating to extracurricular student activities; amending s. 1002.33, F.S.; providing that a charter school student is eligible to participate in extracurricular activities at a public school, rather than interscholastic activities only; amending s. 1002.41, F.S.; providing that a home education student may participate in extracurricular activities, rather than interscholastic activities only; amending s. 1006.15, F.S.; requiring that a student who fails to maintain a certain grade point average while participating in certain extracurricular activities be placed on academic probation before losing eligibility to continue participation in extracurricular activities; providing that the requirement to maintain a certain grade point average does not prohibit a student from participating in an extracurricular activity to the extent that the participation directly relates to the student receiving the credit or one-half credit in physical education which is satisfied by participating in an extracurricular activity; applying the eligibility requirements to all extracurricular activities, rather than to interscholastic activities only; providing an exception; providing an effective date.

—was read the second time by title. On motion by Senator Cowin, by two-thirds vote **CS for SB 1514** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wise
Crist	Margolis	
Diaz de la Portilla	Miller	

Nays—4

Dawson	Siplin	Wilson
Hill		

BILLS ON THIRD READING, continued

The Senate resumed consideration of—

CS for CS for CS for SB 1184—A bill to be entitled An act relating to condominium and community associations; amending s. 718.111, F.S.; providing immunity from liability for certain information provided by associations to prospective purchasers or lienholders under certain circumstances; amending s. 720.303, F.S.; requiring specific notice to be given to association members before certain assessments or rule changes may be considered at a meeting; amending s. 768.1325, F.S.; providing immunity from civil liability for community associations that provide automated defibrillator devices under certain circumstances; prohibiting insurers from requiring associations to purchase medical malpractice coverage as a condition of issuing other coverage; prohibiting insurers from excluding from coverage under a general liability policy damages resulting from the use of an automated external defibrillator device; amending ss. 718.112 and 719.1055, F.S.; revising notification and voting procedures with respect to any vote to forego retrofitting of the common areas of condominiums and cooperatives with fire sprinkler systems; amending s. 718.503, F.S.; requiring unit owners who are not developers to provide a specific question and answer disclosure document to certain prospective purchasers; creating s. 720.401, F.S.; providing legislative intent relating to the revival of governance of a community; creating s. 720.402, F.S.; providing eligibility to revive governance documents; specifying prerequisites to reviving governance documents; creating s. 720.403, F.S.; requiring the formation of an organizing committee; providing for membership; providing duties and responsibilities of the organizing committee; directing the organizing committee to prepare certain documents; providing for the contents of the documents; providing for a vote of the eligible parcel owners; creating s. 720.404, F.S.; directing the organizing committee to file certain documents with the Department of Community Affairs; specifies the content of the submission to the department; requiring the department to approve or disapprove the request to revive the governance documents within a specified time period; creating s. 720.405, F.S.; requiring the organizing committee to file and record certain documents within a specified time period; directing the organizing committee to give all affected parcel owners a copy of the documents filed and recorded; providing for judicial determination of the effects of revived covenants on parcels; providing for effects of such a judicial determination; amending ss. 720.301 and 720.302, F.S.; conforming provisions to changes made by the act; providing definitions; prescribing a legislative purpose of providing alternative dispute resolution procedures for disputes involving elections and recalls; amending s. 720.303, F.S.; prescribing the right of an association to enforce deed restrictions; prescribing rights of members and parcel owners to attend and address association board meetings and to have items placed on an agenda; prescribing additional requirements for notice of meetings; providing for additional materials to be maintained as records; providing additional requirements and limitations with respect to inspecting and copying records; providing requirements with respect to financial statements; providing procedures for recall of directors; amending s. 720.304, F.S.; prescribing owners' rights with respect to flag display; prohibiting certain lawsuits against parcel owners; providing

penalties; allowing a parcel owner to construct a ramp for a parcel resident who has a medical need for a ramp; providing conditions; allowing the display of a security-services sign; amending s. 720.305, F.S.; providing that a fine by an association cannot become a lien against a parcel; providing for attorney's fees in actions to recover fines; creating s. 720.3055, F.S.; prescribing requirements for contracts for products and services; amending s. 720.306, F.S.; providing for notice of and right to speak at member meetings; requiring election disputes between a member and an association to be submitted to mandatory binding arbitration; amending s. 720.311, F.S.; expanding requirements and guidelines with respect to alternative dispute resolution; providing requirements for mediation and arbitration; providing for training and education programs; amending s. 718.110, F.S.; restricting the application of certain amendments restricting owners' rental rights; transferring, renumbering, and amending s. 689.26, F.S.; modifying the disclosure form that a prospective purchaser must receive before a contract for sale; providing that certain contracts are voidable for a specified period; requiring that a purchaser provide written notice of cancellation; transferring and renumbering s. 689.265, F.S., relating to required financial reports of certain residential subdivision developers; amending s. 498.025, F.S., relating to the disposition of subdivided lands; conforming cross-references; creating s. 720.602, F.S.; providing remedies for publication of false and misleading information; amending s. 34.01, F.S.; providing jurisdiction of disputes involving homeowners' associations; amending ss. 316.00825, 558.002, F.S.; conforming cross-references; providing for internal organization of ch. 720, F.S.; amending s. 190.012, F.S.; providing for the enforcement of deed restrictions in certain circumstances; amending s. 190.046, F.S.; providing for additional dissolution procedures; amending s. 190.006, F.S.; specifying procedures for selecting a chair at the initial landowners' meeting; specifying requirements for proxy voting; requiring notice of landowners' elections; specifying the terms of certain supervisors; providing for nonpartisan elections; specifying the time that resident supervisors assume office; authorizing the supervisor of elections to designate seat numbers for resident supervisors of the board; providing procedures for filing qualifying papers; allowing candidates the option of paying a filing fee to qualify for the election; specifying payment requirements; specifying the number of petition signatures required to qualify for the election; requiring the county canvassing board to certify the results of resident elections; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 13 (820854)** by Senator Geller. Pending **Amendment 13** was deferred.

RECONSIDERATION OF AMENDMENT

On motion by Senator Campbell, the Senate reconsidered the vote by which **Amendment 10 (045140)** was adopted.

On motion by Senator Campbell, further consideration of **CS for CS for CS for SB 1184** with pending **Amendment 10** was deferred.

SPECIAL ORDER CALENDAR

On motion by Senator Dockery—

SB 2112—A bill to be entitled An act relating to nonsettling-manufacturer cigarettes; creating s. 210.0205, F.S.; providing definitions; imposing a fee on certain cigarettes; providing payment requirements; requiring reporting of the number and denominations of stamps affixed to individual packages of certain cigarettes by manufacturer and brand family; authorizing rulemaking regarding such reports; requiring registration with the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation of nonsettling manufacturers of cigarettes; requiring development, maintenance, and publication by the division of a list of nonsettling manufacturers of cigarettes which have certified their compliance with this act; treating cigarettes of certain manufacturers that have not paid the fee imposed by this act or that have not complied with reporting requirements as cigarettes for which the tax imposed by s. 210.02, F.S., has not been paid; prohibiting the stamping of certain cigarettes for which the fee imposed by this act has not been paid in full or the nonsettling manufacturer of which has not complied with reporting requirements; creating s. 210.0207, F.S.; prohibiting the transport of certain unstamped cigarettes across state lines under certain circumstances; prohibiting the affixing of certain stamps to certain cigarettes or paying certain excise taxes prohibited by another state under certain circumstances; provid-

ing for reports on the transport of stamped cigarettes across state lines; providing a definition; providing an effective date.

—was read the second time by title.

Senator Dockery moved the following amendments which were adopted:

Amendment 1 (060608)—On page 3, lines 18-23, delete those lines and insert:

(d) “Nonsettling manufacturer” means any tobacco product manufacturer that has not entered into the tobacco settlement agreement defined in s. 215.56005(1)(f), or the Attorney’s General Settlement Agreement dated March 15, 1996 in the State of Florida, et al. v. American Tobacco Company, et al., Fifteenth Judicial Circuit, Case No. 95-1466.

Amendment 2 (670062)—On page 4, delete line 5 and insert: *state. The fee is in the amount of 10 mills per cigarette in Fiscal Year 2004-2005, and 20 mills per cigarette in Fiscal Year 2005-2006 and every year thereafter, to*

Amendment 3 (583086)—On page 4, lines 8 and 9, delete those lines and insert: *each year for the previous year, beginning with Fiscal Year 2005-2006.*

Amendment 4 (351184)—On page 4, delete line 31 and insert: *amount shall be a sum determined by multiplying by 10 mills in Fiscal Year 2004-2005 and by 20 mills in Fiscal Year 2005-2006*

MOTION

On motion by Senator Klein, the rules were waived to allow the following amendment to be considered:

Senator Klein moved the following amendment which was adopted:

Amendment 5 (932892)—On page 6, lines 3-9, delete those lines and insert:

(d) *Fund such other purposes as the Legislature determines; however, \$16 million of the proceeds received under this act shall be provided annually through quarterly disbursements to the Department of Health, for the purposes of implementing a statewide anti-smoking marketing, educational and advertising campaign to reduce youth tobacco use. The Department of Health shall conduct surveillance and evaluations to measure program performance and improve implementation strategies. The Department of Health may contract for any of the activities specified in this section.*

MOTION

On motion by Senator Dockery, the rules were waived to allow the following amendments to be considered:

Senator Dockery moved the following amendment which was adopted:

Amendment 6 (893542)(with title amendment)—On page 8, line 5 through page 9, line 2, delete those lines and insert:

Section 2. Subsections (6) and (7) of section 210.01, Florida Statutes, are amended, and subsections (19) through (23) are added to that section, to read:

210.01 Definitions.—When used in this part the following words shall have the meaning herein indicated:

(6) “Wholesale dealer” means any person located inside or outside this state who sells cigarettes to retail dealers or other persons for purposes of resale only, or any person who operates more than one cigarette vending machine located in more than one place of business. Such term shall not include any cigarette manufacturer, export warehouse proprietor, or importer with a valid permit under 26 U.S.C. s. 5712 if such person sells or distributes cigarettes in this state only to dealers who are agents and who hold valid and current permits under s. 210.15 or to any cigarette manufacturer, export warehouse proprietor, or importer who holds a valid and current permit under 26 U.S.C. s. 5712.

(7) “Retail dealer” means any person located inside or outside this state other than a wholesale dealer engaged in the business of selling cigarettes, including persons licensed pursuant to s. 569.003.

(19) “Stamp” or “stamps” means the indicia required to be placed on cigarette packages that evidences payment of the tax on cigarettes under s. 210.02.

(20) “Importer” means any person with a valid permit under 26 U.S.C. s. 5712 who imports into the United States, directly or indirectly, a finished cigarette for sale or distribution.

(21) “Manufacturer” means any person with a valid permit under 26 U.S.C. s. 5712 who manufactures, fabricates, assembles, processes, or labels a finished cigarette.

(22) “Counterfeit cigarettes” means cigarettes that have false manufacturing labels, tobacco product packs with counterfeit tax stamps, or any combination thereof.

(23) “Brand family” means all styles of cigarettes sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, “menthol,” “lights,” “kings,” and “100s,” and includes any brand name used alone or in conjunction with any other word, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, a previously known brand of cigarettes.

Section 3. Subsection (6) is added to section 210.05, Florida Statutes, to read:

210.05 Preparation and sale of stamps; discount.—

(6)(a) *A person may not transport or cause to be transported from this state cigarettes for sale in another state without first affixing to the cigarettes the stamp required by the state in which the cigarettes are to be sold or paying any other excise tax on the cigarettes imposed by the state in which the cigarettes are to be sold.*

(b) *A person may not affix to cigarettes the stamp required by another state or pay any other excise tax on the cigarettes imposed by another state if the other state prohibits stamps from being affixed to the cigarettes, prohibits the payment of any other excise tax on the cigarettes, or prohibits the sale of the cigarettes.*

(c) *The requirements of paragraphs (a) and (b) do not apply to cigarettes with respect to which the manufacturer or importer either is a participating manufacturer (as defined in section II(j) of the master settlement agreement) or is in full compliance with the qualifying statute (as defined in section IX(d)(2)(E) of the master settlement agreement) of the state in which the cigarettes are to be sold. An exemption pursuant to this paragraph may only be asserted with respect to cigarettes that, in the case of a participating manufacturer, are deemed to be its cigarettes for purposes of calculating its payments under the master settlement agreement for the relevant year in the volumes and shares determined pursuant to the master settlement agreement, and, in the case of all other manufacturers and importers, are deemed to be its cigarettes for purposes of the applicable qualifying statute. For purposes of this subsection the term “master settlement agreement” means the settlement agreement (and related documents) entered into in 1998 by 46 states and leading United States tobacco manufacturers. A person asserting an exemption pursuant to this paragraph shall submit the reports required by paragraph (d) and shall certify as provided in that paragraph.*

(d) *On or before the 10th day of each month, a person who transports or causes to be transported from this state cigarettes for sale in another state shall submit to the division a report identifying the quantity and brand family of each brand of the cigarettes transported or caused to be transported in the preceding calendar month and the name and address of each recipient of the cigarettes. Such person shall also certify under oath and subject to the penalties of perjury that:*

1. *The stamps required by paragraph (a) have been affixed in accordance with that paragraph or that such stamps were not affixed pursuant to paragraph (b); or*

2. *Such person satisfies the requirements of paragraph (c).*

(e) *For purposes of this section, the term “person” means an individual, partnership, committee, association, corporation, or any other organization or group of persons. Person does not include any common or contract carrier, or public warehouse that is not owned, in whole or in*

part, directly or indirectly, by the person transporting the cigarettes or causing the transport to be made.

(f) This subsection shall not be deemed to authorize the possession or transportation of cigarettes by any person not so authorized by another provision of this part.

Section 4. Subsection (1) of section 210.06, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

210.06 Affixation of stamps; presumption.—

(1) Every dealer within or without the state shall affix or cause to be affixed to such package or container of such cigarettes such stamps as are required under this section within 10 days after receipt of such products. Dealers outside this state shall affix such stamps before the shipment of cigarettes into this state, evidencing the payment of the tax imposed by virtue of this part before such cigarettes are offered for sale or use or consumed or before they are otherwise disposed of in the state.

(a) A tax stamp shall be applied to all cigarette packages intended for sale or distribution to consumers subject to the tax imposed under s. 210.02, except as otherwise provided in this act.

(b) No stamp shall be applied to any cigarette package exempt from tax under 26 U.S.C. s. 5704 that is distributed by a manufacturer pursuant to federal regulations.

(c) Dealers may apply stamps only to cigarette packages received directly from a manufacturer or importer of cigarettes who possesses a valid and current permit under 26 U.S.C. s. 5712.

(5) Except as provided in s. 210.09(1), no person, other than a dealer that receives unstamped cigarette packages directly from a cigarette manufacturer or importer in accordance with this section and s. 210.085, shall hold or possess an unstamped cigarette package. Dealers shall be permitted to set aside, without application of stamps, only such part of the dealer's stock that is identified for sale or distribution outside this state. If a dealer maintains stocks of unstamped cigarette packages, such unstamped packages shall be stored separately from stamped product packages. No unstamped cigarette packages shall be transferred by a dealer to another facility of the dealer within this state or to another person within this state.

Section 5. Section 210.085, Florida Statutes, is created to read:

210.085 Transactions only with permitted manufacturers, importers, distributing agents, dealers, and retail dealers.—A manufacturer, importer, or distributing agent may sell or distribute cigarettes to a person located or doing business within this state only if such person is a dealer with a valid, current permit under s. 210.15. A dealer may sell or distribute cigarettes to a person located or doing business within this state only if such person is a dealer or retail dealer with a valid, current permit under s. 569.003. A dealer may obtain cigarettes only from a manufacturer or importer who possesses a valid, current permit under 26 U.S.C. s. 5712 or from a distributing agent or dealer with a valid, current permit under s. 210.15. A retail dealer may obtain cigarettes only from a manufacturer, importer, or dealer with a valid, current permit under s. 210.15.

Section 6. Subsection (1) of section 210.09, Florida Statutes, is amended to read:

210.09 Records to be kept; reports to be made; examination.—

(1)(a) Every person who shall possess or transport any unstamped cigarettes upon the public highways, roads, or streets of the state, shall be required to have in his or her actual possession invoices or delivery tickets for such cigarettes. The absence of such invoices or delivery tickets shall be prima facie evidence that such person is a dealer in cigarettes in this state and subject to the provisions of this part.

(b) Any person who ships unstamped cigarette packages into this state other than to a manufacturer, importer, or dealer holding a valid, current permit pursuant to s. 210.15 shall first file with the division a notice of such shipment. This paragraph shall not apply to any common or contract carrier that is transporting cigarettes through this state to another location outside this state under a proper bill of lading or freight bill that states the quantity, source, and destination of such cigarettes.

(c) In any case in which the division or its duly authorized agent, or any law enforcement officer of this state, has knowledge or reasonable grounds to believe that any vehicle is transporting cigarettes in violation of this part, the division, such agent, or such law enforcement officer is authorized to stop such vehicle and inspect the vehicle for contraband cigarettes.

Section 7. Subsection (1) of section 210.12, Florida Statutes, is amended, subsections (2) through (6) of that section are renumbered as subsections (4) through (8), respectively, and new subsections (2) and (3) are added to that section, to read:

210.12 Seizures; forfeiture proceedings.—

(1) The state, acting by and through the division, shall be authorized and empowered to seize, confiscate, and forfeit for the use and benefit of the state, any cigarettes upon which taxes payable hereunder may be unpaid or that are otherwise held in violation of the requirements of this chapter, and also any vending machine or receptacle in which such cigarettes upon which taxes have not been paid are held for sale, or any vending machine that does not have affixed thereto the identification sticker required by the provisions of s. 210.07, or which does not display at all times at least one package of each brand of cigarettes located therein so the same is clearly visible and arranged in such a manner that the cigarette tax stamp or meter impression of the stamp affixed thereto is clearly visible. Such seizure may be made by the division, its duly authorized representative, any sheriff or deputy sheriff, or any police officer.

(2) All fixtures, equipment, and other materials and personal property on the premises of any dealer or retail dealer who, with intent to defraud the state, fails to keep or make any record, return, report, or inventory required by this part; keeps or makes any false or fraudulent record, return, report, or inventory required by this part; refuses to pay any tax imposed by this part; or attempts in any manner to evade or defeat the requirements of this part shall be forfeited to the state.

(3) All cigarettes seized, confiscated, and forfeited to the state under this part shall be destroyed.

Section 8. Subsection (1) of section 210.15, Florida Statutes, is amended to read:

210.15 Permits.—

(1)(a) Every person, firm, or corporation desiring to engage in business as a manufacturer, importer, exporter, distributing agent, or wholesale dealer of cigarettes ~~deal in cigarettes as a distributing agent, wholesale dealer, or exporter~~ within this state shall file with the division an application for a cigarette permit for each place of business located within this state or, in the absence of such place of business in this state, for wherever its principal place of business is located with the Division of Alcoholic Beverages and Tobacco. Every application for a cigarette permit shall be made on forms furnished by the division and shall set forth the name under which the applicant transacts or intends to transact business, the location of the applicant's place of business within the state, if any, and such other information as the division may require. If the applicant has or intends to have more than one place of business dealing in cigarettes within this state, the application shall state the location of each place of business. If the applicant is an association, the application shall set forth the names and addresses of the persons constituting the association, and if a corporation, the names and addresses of the principal officers thereof and any other information prescribed by the division for the purpose of identification. The application shall be signed and verified by oath or affirmation by the owner, if a natural person, and in the case of an association or partnership, members or partners thereof, and in the case of a corporation, by an executive officer thereof or by any person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of this authority. The cigarette permit for a distributing agent shall be issued annually for which an annual fee of \$5 shall be charged.

(b) The holder of any duly issued, annual permit for a distributing agent shall be entitled to a renewal of his or her annual permit from year to year as a matter of course, on or before July 1, upon making application to the division and upon payment of this annual permit fee.

(c) ~~Permits~~ The permit for a distributing agent, wholesale dealer, or exporter shall be issued only to persons of good moral character; who are

not less than 18 years of age. ~~Distributing agent, wholesale dealer, or exporter~~ Permits to corporations shall be issued only to corporations whose officers are of good moral character and not less than 18 years of age. There shall be no exemptions from the permit fees herein provided to any persons, association of persons, or corporation, any law to the contrary notwithstanding.

(d) No ~~distributing agent, wholesale dealer, or exporter~~ permit shall be issued, *maintained, or renewed if the applicant, its officers, or any person or persons owning directly or indirectly, in the aggregate, more than 10 percent of the ownership interests in the applicant:*

1. *Owes \$500 or more in delinquent cigarette taxes;*
2. *Had a cigarette importer, retail dealer, or dealer permit revoked by the division within the previous 2 years;*
3. *Has been convicted of selling stolen or counterfeit cigarettes, receiving stolen cigarettes, or being involved in the counterfeiting of cigarettes; or*
4. *Has to any person who has been convicted within the past 5 years of any offense against the cigarette laws of this state or who has been convicted in this state, any other state, or the United States during the past 5 years of any offense designated as a felony by such state or the United States, or to a corporation, any of whose officers have been so convicted. The term "convicted" "conviction" shall include an adjudication of guilt on a plea of guilty or a plea of nolo contendere, or the forfeiture of a bond when charged with a crime.*

(e)(d) The division may refuse to issue a ~~distributing agent, wholesale, or exporter~~ permit to any person, firm, or corporation whose permit under the cigarette law has been revoked or to any corporation, an officer of which has had his or her permit under the cigarette law revoked, or to any person who is or has been an officer of a corporation whose permit has been revoked under the cigarette law. Any permit issued to a firm or corporation prohibited from obtaining such permit under the cigarette law may be revoked by the division.

(f)(e) Prior to an application for a distributing agent, wholesale dealer, or exporter permit being approved, the applicant shall file a set of fingerprints on forms provided by the division. The applicant shall also file a set of fingerprints for any person or persons interested directly or indirectly with the applicant in the business for which the permit is being sought, when so required by the division. If the applicant or any person interested with the applicant, either directly or indirectly, in the business for which the permit is sought shall be such a person as is within the definition of persons to whom a ~~distributing agent, wholesale dealer, or exporter~~ permit shall be denied, then the application may be denied by the division. If the applicant is a partnership, all members of the partnership are required to file said fingerprints, or if a corporation, all principal officers of the corporation are required to file said fingerprints. The cigarette permit for a wholesale dealer or exporter shall be originally issued at a fee of \$100, which sum is to cover the cost of the investigation required before issuing such permit.

(g)(f) The cigarette *permits issued under this section* ~~permit for a wholesale dealer or exporter~~ shall be renewed from year to year ~~as a matter of course,~~ at an annual cost of \$100, on or before July 1, upon making application to the division and upon payment of the annual renewal fee.

(h)(g) Permittees, by acceptance of their permits, agree that their places of business or vehicles transporting cigarettes shall always be subject to be inspected and searched without a search warrant for the purpose of ascertaining that all provisions of this part are complied with by authorized employees of the division and also by sheriffs, deputy sheriffs, and police officers during business hours or during any other time such premises are occupied by the permittee or other persons. Retail cigarette dealers and manufacturers' representatives, by dealing in cigarettes, agree that their places of business or vehicles transporting cigarettes shall always be subject to inspection and search without a search warrant for the purpose of ascertaining that all provisions of this part are complied with by authorized employees of the division and also by sheriffs, deputy sheriffs, and police officers during business hours or other times when the premises are occupied by the retail dealer or manufacturers' representatives or other persons.

(i)(h) No retail sales of cigarettes may be made at a location for which a wholesale dealer, distributing agent, or exporter permit has been issued. The excise tax on sales made to any traveling location, such as an itinerant store or industrial caterer, shall be paid into the General Revenue Fund unallocated. Cigarettes may be purchased for retail purposes only from a person holding a wholesale dealer permit. The invoice for the purchase of cigarettes must show the place of business for which the purchase is made and the cigarettes cannot be transferred to any other place of business for the purpose of resale.

Section 9. Subsections (2), (3), and (6) of section 210.18, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

210.18 Penalties for tax evasion; reports by sheriffs.—

(2) ~~Except as otherwise provided in this section, any person wholesale or retail dealer~~ who fails, neglects, or refuses to comply with, or violates the provisions of, this part or the rules ~~adopted and regulations promulgated~~ by the division under this part ~~commits is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person ~~wholesale or retail dealer~~ who has been convicted of a violation of any provision of the cigarette tax law and who is thereafter convicted of a further violation of the cigarette tax law is, upon conviction of such further offense, guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who falsely or fraudulently makes, forges, alters, or counterfeits any stamp or impression die used in meter machines prescribed by the division under the provisions of this part; or, with intent to evade taxes, jams, tampers with, or alters such a machine; or causes or procures to be falsely or fraudulently made, forged, altered, or counterfeited any such stamp or die; or knowingly and willfully utters, purchases, passes or tenders as true any such false, altered, or counterfeited stamp or die impression; ~~or with the intent to defraud the state, fails to comply with any other requirement of this chapter commits is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6)(a) ~~Every person, firm, or corporation, other than a licensee under the provisions of this part, who possesses, removes, deposits, or conceals, or aids in the possessing, removing, depositing, or concealing of, any unstamped cigarettes not in excess of 50 cartons is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. In lieu of the penalties provided in those sections, however, the person, firm, or corporation may pay the tax plus a penalty equal to the amount of the tax authorized under s. 210.02 on the unstamped cigarettes.~~

(a)(b) Every person, firm, or corporation, other than a licensee under the provisions of this part, who possesses, removes, deposits, or conceals, or aids in the possessing, removing, depositing, or concealing of, any unstamped cigarettes in excess of 50 cartons is presumed to have knowledge that they have not been taxed and ~~commits is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b)(e) This section does not apply to a person possessing not in excess of three cartons of such cigarettes purchased by such possessor outside the state in accordance with the laws of the place where purchased and brought into this state by such possessor. The burden of proof that such cigarettes were purchased outside the state and in accordance with the laws of the place where purchased shall in all cases be upon the possessor of such cigarettes.

(9) *Notwithstanding any other provision of law, the sale or possession for sale of counterfeit cigarettes by any person or by a manufacturer, importer, distributing agent, wholesale dealer, or retail dealer shall result in the seizure of the product and related machinery by the division or any law enforcement agency and shall be punishable as follows:*

(a)1. *A first violation with a total quantity of less than two cartons of cigarettes or the equivalent amount of other cigarettes shall be punishable by a fine not to exceed \$1,000 or five times the retail value of the cigarettes involved, whichever is greater, or imprisonment not to exceed 5 years, or both.*

2. *A subsequent violation with a total quantity of less than two cartons of cigarettes or the equivalent amount of other cigarettes shall be punishable by a fine not to exceed \$5,000 or five times the retail value of*

the cigarettes involved, whichever is greater, or imprisonment not to exceed 5 years, or both, and shall also result in the revocation by the division of the permit of the manufacturer, importer, distributing agent, wholesale dealer, or retail dealer.

(b)1. A first violation with a total quantity of two or more cartons of cigarettes or the equivalent amount of other cigarettes shall be punishable by a fine not to exceed \$2,000 or five times the retail value of the cigarettes involved, whichever is greater, or imprisonment not to exceed 5 years, or both.

2. A subsequent violation with a quantity of two cartons of cigarettes or more or the equivalent amount of other cigarettes shall be punishable by a fine not to exceed \$50,000 or five times the retail value of the cigarettes involved, whichever is greater, or imprisonment not to exceed 5 years, or both, and shall also result in the revocation by the division of the permit of the manufacturer, importer, distributing agent, wholesale dealer, or retail dealer.

For purposes of this subsection, any counterfeit cigarettes seized by the division shall be destroyed.

Section 10. Section 210.181, Florida Statutes, is created to read:

210.181 Civil penalties.—

(1) Whoever knowingly omits, neglects, or refuses to comply with any duty imposed upon him or her by this part, or to do or cause to be done any of the things required by this part, or does anything prohibited by this part shall, in addition to any other penalty provided in this part, be liable for a fine of \$1,000 or five times the retail value of the cigarettes involved, whichever is greater.

(2) Whoever fails to pay any tax imposed by this part at the time prescribed by law or rules shall, in addition to any other penalty provided in this part, be liable for a penalty of five times the unpaid tax due.

Section 11. For the purpose of incorporating the amendment made by this act to section 210.18, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 772.102, Florida Statutes, is reenacted to read:

772.102 Definitions.—As used in this chapter, the term:

(1) “Criminal activity” means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime which is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.
2. Section 414.39, relating to public assistance fraud.
3. Section 440.105 or s. 440.106, relating to workers’ compensation.
4. Part IV of chapter 501, relating to telemarketing.
5. Chapter 517, relating to securities transactions.
6. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.
7. Chapter 550, relating to jai alai frontons.
8. Chapter 552, relating to the manufacture, distribution, and use of explosives.
9. Chapter 562, relating to beverage law enforcement.
10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.
11. Chapter 687, relating to interest and usurious practices.
12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

13. Chapter 782, relating to homicide.
14. Chapter 784, relating to assault and battery.
15. Chapter 787, relating to kidnapping.
16. Chapter 790, relating to weapons and firearms.
17. Section 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.
18. Chapter 806, relating to arson.
19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.
20. Chapter 812, relating to theft, robbery, and related crimes.
21. Chapter 815, relating to computer-related crimes.
22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.
23. Section 827.071, relating to commercial sexual exploitation of children.
24. Chapter 831, relating to forgery and counterfeiting.
25. Chapter 832, relating to issuance of worthless checks and drafts.
26. Section 836.05, relating to extortion.
27. Chapter 837, relating to perjury.
28. Chapter 838, relating to bribery and misuse of public office.
29. Chapter 843, relating to obstruction of justice.
30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.
31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.
32. Chapter 893, relating to drug abuse prevention and control.
33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.
34. Section 918.12 or s. 918.13, relating to tampering with jurors and evidence.

Section 12. For the purpose of incorporating the amendment made by this act to section 210.18, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 895.02, Florida Statutes, is reenacted to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) “Racketeering activity” means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

- (a) Any crime which is chargeable by indictment or information under the following provisions of the Florida Statutes:
1. Section 210.18, relating to evasion of payment of cigarette taxes.
 2. Section 403.727(3)(b), relating to environmental control.
 3. Section 414.39, relating to public assistance fraud.
 4. Section 409.920, relating to Medicaid provider fraud.
 5. Section 440.105 or s. 440.106, relating to workers’ compensation.
 6. Sections 499.0051, 499.0052, 499.0053, 499.0054, and 499.0691, relating to crimes involving contraband and adulterated drugs.
 7. Part IV of chapter 501, relating to telemarketing.

8. Chapter 517, relating to sale of securities and investor protection.
9. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.
10. Chapter 550, relating to jai alai frontons.
11. Chapter 552, relating to the manufacture, distribution, and use of explosives.
12. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.
13. Chapter 562, relating to beverage law enforcement.
14. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.
15. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.
16. Chapter 687, relating to interest and usurious practices.
17. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.
18. Chapter 782, relating to homicide.
19. Chapter 784, relating to assault and battery.
20. Chapter 787, relating to kidnapping.
21. Chapter 790, relating to weapons and firearms.
22. Section 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.
23. Chapter 806, relating to arson.
24. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.
25. Chapter 812, relating to theft, robbery, and related crimes.
26. Chapter 815, relating to computer-related crimes.
27. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.
28. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.
29. Section 827.071, relating to commercial sexual exploitation of children.
30. Chapter 831, relating to forgery and counterfeiting.
31. Chapter 832, relating to issuance of worthless checks and drafts.
32. Section 836.05, relating to extortion.
33. Chapter 837, relating to perjury.
34. Chapter 838, relating to bribery and misuse of public office.
35. Chapter 843, relating to obstruction of justice.
36. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.
37. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.
38. Chapter 874, relating to criminal street gangs.
39. Chapter 893, relating to drug abuse prevention and control.
40. Chapter 896, relating to offenses related to financial transactions.

41. Sections 914.22 and 914.23, relating to tampering with a witness, victim, or informant, and retaliation against a witness, victim, or informant.

42. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

Section 13. *For the 2004-2005 fiscal year, the sum of \$480,028 is appropriated from the Alcoholic Beverage and Tobacco Trust Fund and four full-time equivalent positions are authorized to be established by the Department of Business and Professional Regulation for the purpose of conducting regulatory activities related to the transportation and sale of cigarettes.*

And the title is amended as follows:

On page 1, line 28 through page 2, line 6, delete those lines and insert: reporting requirements; amending s. 210.01, F.S.; revising and providing definitions; amending s. 210.05, F.S.; providing stamp requirements for cigarettes in transport; providing stamp exceptions for certain cigarettes; requiring transporters of certain cigarettes to submit certain reports; amending s. 210.06, F.S.; revising requirements for and limitations on the affixation of stamps; providing requirements with respect to receipt, possession, storage, and transport of unstamped cigarette packages; creating s. 210.085, F.S.; requiring manufacturers, importers, distributing agents, dealers, and retail dealers to hold a current, valid permit to sell, distribute, or receive cigarettes; amending s. 210.09, F.S.; providing notice and filing guidelines for certain person shipping unstamped cigarette packages; authorizing certain law enforcement officials to inspect certain shipping vehicles; amending s. 210.12, F.S.; authorizing the state to claim certain property and materials from certain dealers and retailers who attempt to defraud the state; authorizing the destruction of certain cigarettes; amending s. 210.15, F.S.; providing criteria for permit application; prohibiting issuance, maintenance, or renewal of certain permits for certain applicants; providing guidelines for permit application denial; amending s. 210.18, F.S.; expanding the group of violators subject to criminal liability; prohibiting the sale or possession for sale of counterfeit cigarettes; providing penalties; creating s. 210.181, F.S.; providing civil penalties for failure to comply with certain duties or pay certain taxes; reenacting ss. 772.102(1)(a) and 895.02(1)(a), F.S., relating to crimes constituting a "criminal activity" and definitions as used in the Florida RICO Act, to incorporate the amendment to s. 210.18, F.S., in references thereto; providing an appropriation and authorizing positions; providing an effective

Senator Dockery moved the following amendment which was adopted:

Amendment 7 (404806)—On page 9, lines 3 and 4, delete those lines and insert:

Section 3. This act shall take effect on July 1, 2004.

THE PRESIDENT PRESIDING

MOTION

On motion by Senator Hill, the rules were waived to allow the following amendment to be considered:

Senators Hill, Dawson, Siplin, Miller and Bullard offered the following amendment which was moved by Senator Hill and adopted:

Amendment 8 (412082)(with title amendment)—On page 9, between lines 2 and 3, insert:

Section 3. *From the funds generated by this act, the sum of \$2 million is appropriated to the Department of Health to address health care disparities in the minority community.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 6, after the semicolon (;) insert: providing an appropriation to the Department of Health; providing purposes;

Pursuant to Rule 4.19, **SB 2112** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

CS for CS for SB 2170—A bill to be entitled An act relating to human health; amending s. 381.005, F.S.; requiring hospitals to offer immunizations against the influenza virus and pneumococcal bacteria to all patients 65 years of age or older during specified time periods, subject to the availability of the vaccines; amending s. 395.003, F.S.; requiring a report by the Agency for Health Care Administration regarding the licensure of emergency departments located off the premises of hospitals; prohibiting the issuance of licenses for such departments before July 1, 2005; amending s. 395.003, F.S.; providing additional conditions for the licensure or relicensure of hospitals; exempting currently licensed hospitals; amending s. 395.0193, F.S., relating to disciplinary powers; correcting references to the Division of Medical Quality Assurance and the department; amending s. 395.0197, F.S.; requiring the Agency for Health Care Administration to forward reports of adverse incidents to the division; amending s. 395.3025, F.S.; providing requirements for a facility administrator or records custodian with respect to the certification of patient records; specifying the charges for reproducing records; revising purposes for which patient records may be used; amending s. 395.7015, F.S., relating to annual assessments; correcting cross-references; amending s. 400.141, F.S.; providing requirements for the production of records by nursing home facilities; amending s. 400.145, F.S.; providing requirements for a facility administrator or records custodian with respect to the certification of patient records; allowing facilities to charge a reasonable fee for certain copies of documents which are provided to the department; amending s. 400.147, F.S.; requiring the Agency for Health Care Administration to provide certain reports to the division; amending s. 400.211, F.S.; revising inservice training requirements for nursing assistants; correcting a cross-reference; revising qualifications for nursing assistants; correcting a cross-reference; amending s. 400.215, F.S.; providing that a person who has been screened under certain provisions of law is not required to be rescreened to be employed in a nursing home; amending s. 400.423, F.S.; requiring the Agency for Health Care Administration to forward reports of adverse incidents to the division; creating s. 400.455, F.S.; providing requirements for the production of records by assisted living facilities; amending s. 440.13, F.S.; correcting a cross-reference; amending s. 456.005, F.S.; requiring the department to obtain input from licensees in developing long-range plans; amending s. 456.011, F.S.; providing procedures for resolving a conflict between two or more boards; authorizing the Secretary of Health to resolve certain conflicts between boards; amending s. 456.012, F.S.; limiting challenges by a board to a declaratory statement; amending s. 456.013, F.S.; increasing the period of validity of a temporary license; authorizing a rule allowing coursework to be completed by certain teaching activities; revising requirements for wall certificates; amending s. 381.00593, F.S., relating to the public school volunteer program; correcting a cross-reference; amending s. 456.017, F.S.; revising requirements for examinations; authorizing the department to post scores on the Internet; creating s. 456.0195, F.S.; requiring continuing education concerning domestic violence, and HIV and AIDS; specifying course content; providing for disciplinary action for failure to comply with the requirements; amending s. 456.025, F.S.; revising reporting requirements for the department concerning management of the boards; deleting requirements for the Department of Health to administer an electronic continuing education tracking system for health care practitioners; creating s. 456.0251, F.S.; providing for enforcement of continuing education requirements required for license renewal; authorizing citations and fines to be imposed for failure to comply with required continuing education requirements; amending s. 456.031, F.S.; revising requirements for continuing education concerning domestic violence; deleting a reporting requirement; amending ss. 456.036 and 456.037, F.S.; authorizing the board or department to require the display of a license; amending s. 456.039, F.S., relating to designated health care professionals; correcting a cross-reference; amending s. 456.057, F.S.; specifying the charges for healthcare practitioners to reproduce records for the Department of Health; amending s. 456.063, F.S.; authorizing the board or the department to adopt rules to determine the sufficiency of an allegation of sexual misconduct; amending s. 456.072, F.S.; revising certain grounds for disciplinary action; prohibiting the provision of a drug if the patient does not have a valid professional relationship with the prescribing practitioner; providing for disciplinary action against an impaired practitioner who is terminated from an impaired practitioner program for failure to comply, without good cause,

with the terms of his or her monitoring or treatment contract; authorizing the department to impose a fee to defray the costs of monitoring a licensee's compliance with an order; amending s. 456.073, F.S.; revising certain procedures for investigations concerning a disciplinary proceeding; amending s. 457.105, F.S.; revising requirements for licensure to practice acupuncture; amending s. 457.107, F.S.; removing certain education programs as eligible for continuing education credit; authorizing the Board of Acupuncture to adopt rules for establishing standards for providers of continuing education activities; amending s. 457.109, F.S.; clarifying circumstances under which the department may take disciplinary action; amending s. 458.303, F.S., relating to certain exceptions to the practice acts; correcting cross-references; amending s. 458.311, F.S.; revising licensure requirements for physicians; amending s. 458.3124, F.S., relating to restricted licenses; correcting a cross-reference; amending s. 458.315, F.S.; revising requirements for issuing a limited license to practice as a physician; providing for waiver of fees and assessments; amending s. 458.319, F.S., relating to continuing education; conforming provisions; amending s. 458.320, F.S., relating to financial responsibility; correcting a cross-reference; amending s. 458.331, F.S.; revising requirements for a physician in responding to a complaint or other document; amending s. 458.345, F.S., relating to the registration of residents, interns, and fellows; correcting a cross-reference; amending s. 458.347, F.S.; revising requirements for licensure as a physician assistant; revising requirements for temporary licensure; authorizing the board to mandate requirements for continuing medical education, including alternative methods for obtaining credits; amending s. 459.008, F.S.; authorizing the board to require by rule continuing medical education and approve alternative methods of obtaining credits; amending s. 459.015, F.S.; revising requirements for an osteopathic physician in responding to a complaint or other document; amending s. 459.021, F.S.; revising certain requirements for registration as a resident, intern, or fellow; amending s. 460.406, F.S., relating to the licensure of chiropractic physicians; correcting a reference; revising requirements for chiropractic physician licensure to allow a student in his or her final year of an accredited chiropractic school to apply for licensure; amending ss. 460.413 and 461.013, F.S.; revising requirements for a chiropractic physician and podiatric physician in responding to a complaint or other document; amending s. 461.014, F.S.; revising the interval at which hospitals with podiatric residency programs submit lists of podiatric residents; amending s. 463.006, F.S., relating to optometry; correcting a reference; amending and reenacting s. 464.009, F.S.; amending s. 464.0205, F.S., relating to volunteer nurses; correcting a cross-reference; amending s. 464.201, F.S.; defining the term "practice of a certified nursing assistant"; amending s. 464.202, F.S.; requiring rules for practice as a certified nursing assistant which specify the scope of authorized practice and level of supervision required; amending s. 464.203, F.S.; revising screening requirements for certified nursing assistants; revising the requirements for conducting the background screening; requiring the Agency for Health Care Administration to post information relating to background screening in its database after January 1, 2005; requiring that the database be available to employers and prospective employers; amending s. 464.204, F.S., relating to disciplinary actions; clarifying a cross-reference; amending s. 465.0075, F.S.; clarifying requirements for certain continuing education for pharmacists; amending s. 465.022, F.S.; requiring that a pharmacy permit be issued only to a person or corporate officers who are 18 years of age or older and of good moral character; requiring that certain persons applying for a pharmacy permit submit fingerprints for a criminal history check; amending s. 465.023, F.S.; authorizing the department to deny a pharmacy permit application for specified reasons; specifying additional criteria for denying, revoking or suspending a pharmacy permit; amending s. 465.025, F.S.; revising requirements for the substitution of drugs; deleting requirements that a pharmacy establish a formulary of generic and brand name drugs; amending s. 465.0251, F.S., relating to generic drugs; correcting a cross-reference; amending s. 465.0265, F.S.; providing requirements for central fill pharmacies that prepare prescriptions on behalf of pharmacies; amending s. 465.026, F.S.; authorizing a community pharmacy to transfer a prescription for certain controlled substances; amending s. 466.007, F.S.; revising requirements for dental hygienists in qualifying for examination; amending s. 466.021, F.S.; revising records requirements concerning unlicensed persons employed by a dentist; amending s. 467.009, F.S., relating to midwifery programs; correcting references; amending s. 467.013, F.S.; providing for placing a midwife license on inactive status pursuant to rule of the department; deleting requirements for reactivating an inactive license; amending s. 467.0135, F.S.; revising requirements for fees, to conform; amending s. 467.017, F.S.; revising requirements for the emergency care plan; amending s. 468.1155, F.S., relating to the practice of speech-language

pathology and audiology; correcting references; amending s. 468.352, F.S.; revising and providing definitions applicable to the regulation of respiratory therapy; amending s. 468.355, F.S.; revising provisions relating to respiratory therapy licensure and testing requirements; amending s. 468.368, F.S.; revising exemptions from respiratory therapy licensure requirements; repealing s. 468.356, F.S., relating to the approval of educational programs; repealing s. 468.357, F.S., relating to licensure by examination; amending s. 468.509, F.S., relating to dietitian/nutritionists; correcting references; amending s. 468.707, F.S., relating to licensure as an athletic trainer; conforming provisions to changes made by the act; amending s. 480.041, F.S.; revising requirements for licensure as a massage therapist; requiring the department to provide for a written examination for the practice of colonic irrigation; amending s. 486.021, F.S., relating to the practice of physical therapy; redefining the term "direct supervision"; amending s. 486.031, F.S., relating to licensure requirements; correcting references; amending s. 486.051, F.S.; revising examination requirements; amending s. 486.081, F.S.; providing for licensure by endorsement for physical therapists licensed in another jurisdiction; amending s. 486.102, F.S.; revising requirements for licensure; correcting reference; amending s. 486.104, F.S.; revising examination requirements for a physical therapist assistant; amending s. 486.107, F.S.; providing for licensure by endorsement for physical therapist assistants licensed in another jurisdiction; amending s. 486.109, F.S.; revising requirements for continuing education; amending s. 486.161, F.S.; providing an exemption from licensure for certain physical therapists affiliated with a team or organization temporarily located in the state; amending s. 486.172, F.S.; clarifying provisions governing the qualifications of immigrants for examination; amending s. 490.005, F.S., relating to psychological services; correcting references; amending s. 490.014, F.S.; providing a salaried employee of a private provider who contracts with a governmental agency to provide certain psychological services the same exemption from licensing requirements which a salaried employee of the governmental agency receives; amending s. 491.005, F.S., relating to clinical, counseling, and psychotherapy services; revising licensure requirements; correcting references; amending s. 491.006, F.S.; providing requirements for licensure by endorsement as a mental health counselor; amending s. 491.014, F.S.; providing a salaried employee of a private provider who contracts with a governmental agency to provide certain psychological services the same exemption from licensing requirements which a salaried employee of the governmental agency receives; amending ss. 491.009 and 491.0145, F.S.; clarifying provisions governing the discipline of a certified master social worker; creating s. 491.0146, F.S.; providing for the validity of certain licenses to practice as a certified master social worker; amending s. 491.0147, F.S.; providing an exemption from liability for disclosure of confidential information under certain circumstances; amending s. 766.314, F.S.; correcting a cross-reference; amending s. 817.505, F.S.; clarifying provisions prohibiting actions that constitute patient brokering; amending s. 817.567, F.S., relating to making false claims of a degree or title; correcting a reference; amending s. 1009.992, F.S., relating to the Florida Higher Education Loan Authority Act; correcting a reference; amending s. 468.711, F.S.; deleting the requirement that continuing education for athletic trainers include first aid; amending s. 468.723, F.S.; revising exemptions from licensure requirements; amending s. 1012.46, F.S.; providing that a first responder for a school district may not represent himself or herself as an athletic trainer; providing for reactivation of a license to practice medicine by certain retired practitioners; providing conditions on such reactivation; providing for a fee; providing powers, including rulemaking powers, of the Board of Medicine; providing for future review and expiration; amending s. 466.0135, F.S.; providing additional requirements for continuing education for dentists; amending s. 480.034, F.S.; exempting certain massage therapists from premises licensure; amending s. 400.9905, F.S.; providing that certain entities providing oncology or radiation therapy services are exempt from the licensure requirements of part XIII of ch. 400, F.S.; providing legislative intent with respect to such exemption; providing for retroactive application; repealing ss. 456.033, 456.034, 458.313, 458.3147, 458.316, 458.3165, 458.317, 468.711(3), and 480.044(1)(h), F.S., relating to instruction concerning HIV and AIDS, licensure by endorsement of physicians, medical school eligibility, public health and public psychiatry certificates, limited licenses, and examination fees; amending s. 466.006, F.S.; allowing certain dental students to take the examinations required to practice dentistry in this state under specified conditions; providing a prerequisite to licensure of such students; creating s. 466.0065, F.S.; allowing certain dental students to take regional licensure examinations under specified conditions; restricting the applicability of examination results to licensing in other

jurisdictions; requiring approval by the Board of Dentistry and providing prerequisites to such approval; amending s. 456.048, F.S.; requiring the Board of Medicine and the Board of Osteopathic Medicine to require medical malpractice insurance or proof of financial responsibility as a condition of licensure or licensure renewal for licensed anesthesiologist assistants; amending ss. 458.331, 459.015, F.S.; revising grounds for which a physician may be disciplined for failing to provide adequate supervision; creating ss. 458.3475, 459.023, F.S.; providing definitions; providing performance standards for anesthesiologist assistants and supervising anesthesiologists; providing for the approval of training programs and for services authorized to be performed by trainees; providing licensing procedures; providing for fees; providing for additional membership, powers, and duties of the Board of Medicine and the Board of Osteopathic Medicine; providing penalties; providing for disciplinary actions; providing for the adoption of rules; prescribing liability; providing for the allocation of fees; amending s. 400.506, F.S.; revising duties of nurse registries with respect to advising patients and their families or representatives with respect to home visits; revising requirements for plans of treatment; amending s. 400.487, F.S.; revising home health agency service agreements and treatment orders; providing a short title; requiring the Agency for Workforce Innovation to establish a pilot program for delivery of certified geriatric specialty nursing education; specifying eligibility requirements for certified nursing assistants to obtain certified geriatric specialty nursing education; specifying requirements for the education of certified nursing assistants to prepare for certification as a certified geriatric specialist; creating a Certified Geriatric Specialty Nursing Initiative Steering Committee; providing for the composition of and manner of appointment to the Certified Geriatric Specialty Nursing Initiative Steering Committee; providing responsibilities of the steering committee; providing for reimbursement for per diem and travel expenses; requiring the Agency for Workforce Innovation to conduct or contract for an evaluation of the pilot program for delivery of certified geriatric specialty nursing education; requiring the evaluation to include recommendations regarding the expansion of the delivery of certified geriatric specialty nursing education in nursing homes; requiring the Agency for Workforce Innovation to report to the Governor and Legislature regarding the status and evaluation of the pilot program; creating s. 464.0125, F.S.; providing definitions; providing requirements for persons to become certified geriatric specialists; specifying fees; providing for articulation of geriatric specialty nursing coursework and practical nursing coursework; providing practice standards and grounds for which certified geriatric specialists may be subject to discipline by the Board of Nursing; creating restrictions on the use of professional nursing titles; prohibiting the use of certain professional titles; providing penalties; authorizing approved nursing programs to provide education for the preparation of certified geriatric specialists without further board approval; authorizing certified geriatric specialists to supervise the activities of others in nursing home facilities according to rules by the Board of Nursing; revising terminology relating to nursing to conform to the certification of geriatric specialists; amending s. 381.00315, F.S.; revising requirements for the reactivation of the licenses of specified health care practitioners in the event of a public health emergency to include certified geriatric specialists; amending s. 400.021, F.S.; including services provided by a certified geriatric specialist within the definition of nursing service; amending s. 400.23, F.S.; specifying that certified geriatric specialists shall be considered licensed nursing staff; authorizing licensed practical nurses to supervise the activities of certified geriatric specialists in nursing home facilities according to rules adopted by the Board of Nursing; amending s. 409.908, F.S.; revising the methodology for reimbursement of Medicaid program providers to include services of certified geriatric specialists; amending s. 1009.65, F.S.; revising eligibility for the Medical Education Reimbursement and Loan Repayment Program to include certified geriatric specialists; amending s. 1009.66, F.S.; revising eligibility requirements for the Nursing Student Loan Forgiveness Program to include certified geriatric specialists; providing an appropriation; amending s. 400.9905, F.S.; revising the definitions of "clinic" and "medical director" and defining "mobile clinic" and "portable equipment provider" for purposes of the Health Care Clinic Act; providing that certain entities providing oncology or radiation therapy services are exempt from the licensure requirements of part XIII of ch. 400, F.S.; providing legislative intent with respect to such exemption; providing for retroactive application; amending s. 400.991, F.S.; requiring each mobile clinic to obtain a health care clinic license; requiring a portable equipment provider to obtain a health care clinic license for a single office and exempting such a provider from submitting certain information to the Agency for Health Care Administration; revising the date by which an initial application for a health care clinic license must be filed with the agency; revising the definition of "applicant";

amending s. 400.9935, F.S.; providing that an exemption from licensure is not transferable; providing that the agency may charge a fee of applicants for certificates of exemption; providing that the agency may deny an application or revoke a license under certain circumstances; amending s. 400.995, F.S.; providing that the agency may deny, revoke, or suspend specified licenses and impose fines for certain violations; providing that a temporary license expires after a notice of intent to deny an application is issued by the agency; providing that persons or entities made exempt under the act and which have paid the clinic licensure fee to the agency are entitled to a partial refund from the agency; providing that certain persons or entities are not in violation of part XIII of ch. 400, F.S., due to failure to apply for a clinic license by a specified date; providing that certain payments may not be denied to such persons or entities for failure to apply for or obtain a clinic license before a specified date; providing effective dates.

—as amended April 23 was read the third time by title.

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendment to be considered:

Senator Peaden moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (250864)—On page 29, line 21 through page 31, line 30, delete those lines and insert:

Section 11. Subsections (1) and (4) of section 400.211, Florida Statutes, are amended to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(1) To serve as a nursing assistant in any nursing home, a person must be certified as a nursing assistant under part II of chapter 464, unless the person is a registered nurse, a ~~or~~ practical nurse, or a *certified geriatric specialist certified* or licensed in accordance with part I of chapter 464 or an applicant for such licensure who is permitted to practice nursing in accordance with rules adopted by the Board of Nursing pursuant to part I of chapter 464.

(4) When employed by a nursing home facility for a 12-month period or longer, a nursing assistant, ~~to maintain certification,~~ shall submit to a performance review every 12 months and must receive regular inservice education based on the outcome of ~~these~~ *such* reviews. The inservice training must:

(a) Be sufficient to ensure the continuing competence of nursing assistants, must be at least ~~12 to 18~~ hours per year, and may include hours accrued under s. ~~464.203(7)~~ s. ~~464.203(8)~~;

(b) Include, at a minimum:

1. Techniques for assisting with eating and proper feeding;
2. Principles of adequate nutrition and hydration;
3. Techniques for assisting and responding to the cognitively impaired resident or the resident with difficult behaviors;
4. Techniques for caring for the resident at the end-of-life; and
5. Recognizing changes that place a resident at risk for pressure ulcers and falls; and

(c) Address areas of weakness as determined in nursing assistant performance reviews and may address the special needs of residents as determined by the nursing home facility staff.

Costs associated with this training may not be reimbursed from additional Medicaid funding through interim rate adjustments.

(Redesignate subsequent sections.)

MOTION

On motion by Senator Wasserman Schultz, the rules were waived to allow the following amendment to be considered:

Senator Wasserman Schultz moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (882834)(with title amendment)—On page 145, between lines 26 and 27, insert:

Section 100. Section 514.0305, Florida Statutes, is created to read:

514.0305 Public pools; safety barriers.—

(1) *Public pools must be equipped with the following safety features:*

(a) *A permanent barrier that completely encloses the pool.*

(b) *Pedestrian gates that open outward, are self-closing, and equipped with a release mechanism that is located on the pool side of the gate and placed so that a young child cannot reach it.*

(c) *Gates, other than pedestrian gates, which must be equipped with lockable hardware or padlocks and which must remain locked when not being used.*

(2)(a) *The barriers and other equipment required by this section shall be inspected by the county health department during each routine inspection.*

(b) *The inspector shall immediately close any pool that does not comply with the requirements of this section. Upon such closing, the owner or operator of the pool must correct the deficiencies or be subject to an administrative fine not to exceed \$1,500. The department, upon prevailing in enforcement of this section, shall be awarded attorney's fees at the rate of \$150 per attorney hour and shall in addition be awarded the costs of litigation. The attorney's fees and costs shall be awarded against the public pool operator by the presiding officer of any proceeding before the Division of Administrative Hearings or before a hearing officer appointed by the department.*

(3) *The definitions in s. 515.25 apply to this section and are incorporated herein by reference, except that the definition of the term "public swimming pool" shall be as provided in s. 514.011(2).*

(4) *This section applies to all public pools that are operated or constructed on or after July 1, 2005. Pools in operation on that date must be brought into compliance by July 1, 2005.*

(5) *This section does not apply to a membership club that has a pool in an enclosed room, to existing pools at any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of fewer than 30 days or 1 calendar month, whichever is less, or advertised or held out to the public as a place regularly rented to guests.*

(6) *The department shall revise its rules authorized by s. 514.021 in order to administer this section.*

Section 101. Subsection (2) of section 514.0115, Florida Statutes, is amended to read:

514.0115 Exemptions from supervision or regulation; variances.—

(2)(a) *Pools serving no more than 32 condominium or cooperative units which are not operated as a public lodging establishment shall be exempt from supervision under this chapter, except for water quality and the requirements of s. 514.0305.*

(b) *Pools serving condominium or cooperative associations of more than 32 units and whose recorded documents prohibit the rental or sublease of the units for periods of less than 60 days are exempt from supervision under this chapter, except that the condominium or cooperative owner or association must file applications with the department and obtain construction plans approval and receive an initial operating permit. The department shall inspect the swimming pools at such places annually, at the fee set forth in s. 514.033(3), or upon request by a unit owner, to determine compliance with department rules relating to water quality, and lifesaving equipment, and the requirements of s. 514.0305. The department may not require compliance with rules relating to swimming pool lifeguard standards.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 11, line 7, after the semicolon (;) insert: creating s. 514.0305, F.S.; requiring the pools to be enclosed by a barrier; establishing additional safety requirements; requiring inspections; providing penalties for violations; providing that attorney's fees and costs be awarded to the Department of Health at a hearing at which the department prevails; providing definitions and for application; providing for exceptions; amending s. 514.0115, F.S.; providing that certain condominiums and cooperatives must comply with specified requirements of law;

MOTION

On motion by Senator Cowin, the rules were waived to allow the following amendment to be considered:

Senator Cowin moved the following amendment which was adopted by two-thirds vote:

Amendment 3 (101526)(with title amendment)—On page 205, lines 14-16, delete those lines and insert:

Section 138. Subsections (1), (9), and (11) of section 400.9935, Florida Statutes, are amended to read:

400.9935 Clinic responsibilities.—

(1) Each clinic shall appoint a medical director or clinic director who shall agree in writing to accept legal responsibility for the following activities on behalf of the clinic. The medical director or the clinic director shall:

(a) Have signs identifying the medical director or clinic director posted in a conspicuous location within the clinic readily visible to all patients.

(b) Ensure that all practitioners providing health care services or supplies to patients maintain a current active and unencumbered Florida license.

(c) Review any patient referral contracts or agreements executed by the clinic.

(d) Ensure that all health care practitioners at the clinic have active appropriate certification or licensure for the level of care being provided.

(e) Serve as the clinic records owner as defined in s. 456.057.

(f) Ensure compliance with the recordkeeping, office surgery, and adverse incident reporting requirements of chapter 456, the respective practice acts, and rules adopted under this part and part II of chapter 408.

(g) Conduct systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful. Upon discovery of an unlawful charge, the medical director or clinic director shall take immediate corrective action. *If the clinic performs only the technical component of magnetic resonance imaging, static radiographs, computed tomography, or position emission tomography, and provides the professional interpretation of such services, in a fixed facility that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or the Accreditation Association for Ambulatory Health Care, and the American College of Radiology; and if, in the preceding quarter, the percentage of scans performed by that clinic which was billed to all personal injury protection insurance carriers was less than 15 percent, the chief financial officer of the clinic may, in a written acknowledgement provided to the agency, assume the responsibility for the conduct of the systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful.*

And the title is amended as follows:

On page 16, line 30, after the semicolon (;) insert: assigning responsibilities for ensuring billing;

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted by two-thirds vote:

Amendment 4 (554822)(with title amendment)—On page 56, line 10 through page 57, line 19, delete those lines and insert:

Section 32. Paragraphs (aa) and (bb) of subsection (1) of section 456.072, Florida Statutes, are amended, paragraphs (ff), (gg), and (hh) are added to that subsection, and subsection (7) is added to that section, to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(aa) Performing or attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. For the purposes of this paragraph, performing or attempting to perform health care services includes *invasive actions taken in furtherance of the preparation of the patient, but does not include those preparations that are noninvasive.*

(bb) Leaving a foreign body in a patient, such as a sponge, clamp, forceps, surgical needle, or other paraphernalia commonly used in surgical, examination, or other diagnostic procedures, *unless leaving the foreign body is medically indicated and documented in the patient record.* For the purposes of this paragraph, it shall be legally presumed that retention of a foreign body is not in the best interest of the patient and is not within the standard of care of the profession, *unless medically indicated and documented in the patient record regardless of the intent of the professional.*

(ff) *Prescribing, administering, dispensing, or distributing a legend drug, including a controlled substance, when the practitioner knows or reasonably should know that the receiving patient has not established a valid professional relationship with the prescribing practitioner. A medical questionnaire completed by Internet, telephone, electronic transfer, or mail does not establish a valid professional relationship.*

(gg) *Being terminated from an impaired practitioner program that is overseen by an impaired practitioner consultant as described in s. 456.076 for failure to comply with the terms of the monitoring or treatment contract entered into by the licensee without good cause.*

(hh) *In any advertisement for health care services, and also during the first in-person encounter, failing to disclose the type of license under which the practitioner is operating. This paragraph does not apply to a practitioner while the practitioner is providing services in a facility licensed under chapter 394, chapter 395, or chapter 400.*

And the title is amended as follows:

On page 4, line 24, after the semicolon (;) insert: requiring disclosure of licensure to patients;

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendments to be considered:

Senator Peaden moved the following amendments which were adopted by two-thirds vote:

Amendment 5 (655966)(with title amendment)—On page 142, line 16 through page 143, line 7, delete those lines and insert:

Section 96. Paragraph (e) is added to subsection (4) of section 491.014, Florida Statutes, to read:

491.014 Exemptions.—

(4) No person shall be required to be licensed, provisionally licensed, registered, or certified under this chapter who:

(e) *Is a former salaried employee of the Department of Corrections that at the time of government employment, the agency contracted with a private provider for the continuation of similar services and the employee was hired by the private provider to perform the same essential duties for which he or she was trained and hired by the government agency, under clinical supervision of a duly licensed psychologist, and so*

long as the employee is not held out to the public as a psychologist under s. 490.012(1)(a). For contracts entered into under this subsection, the private provider shall be liable and shall indemnify, defend, and hold the contracting agency, its employees; agents, officers, and assignees harmless from any and all claims, suits, judgments, or damages including court costs and attorneys' fees arising out of intentional acts, negligence, or omissions by the provider, or its employees or agents, in the course of the operations of this contract, including any claims or actions brought under Title 42 U.S.C. ss. 1983, the Civil Rights Act.

And the title is amended as follows:

On page 10, delete line 27 and insert: services the exemption from

Amendment 6 (951108)(with title amendment)—On page 208, between lines 2 and 3, insert:

Section 142. Section 381.03015, Florida Statutes, is created to read:

381.03015 *Florida Health Care Practitioner Workforce Database.*—

(1) **LEGISLATIVE FINDINGS AND INTENT.**—

(a) *The Legislature finds that the state health policies designed to expand patient access and improve the quality of health care delivery must take into consideration the supply, distribution, diversity, academic preparation, and utilization of the state's health care workforce. The Legislature further finds that the absence of accurate, objective, relevant, and timely data concerning the health care workforce in this state is a barrier to developing and implementing optimal programmatic and fiscal policies relating to the education and training of health care practitioners and the delivery of health care services.*

(b) *In order to eliminate these barriers, it is the intent of the Legislature to create the Florida Health Care Practitioner Workforce Database within the Department of Health. The database shall provide the capacity for the collection, compilation, maintenance, and analysis of data concerning the state's health care workforce. It is further the intent of the Legislature that the workforce database serve as the official state repository of data that can be used by the Legislature, the Executive Office of the Governor, state agencies, and state, regional, and local entities involved in planning, analysis, and policy development for the health care workforce and in the delivery of health care services.*

(2) **DEFINITIONS.**—As used in this section, the term:

(a) *“Department” means the Department of Health.*

(b) *“Health care practitioner” has the same meaning as provided in s. 456.001.*

(3) **FLORIDA HEALTH CARE PRACTITIONER WORKFORCE DATABASE.**—

(a) *The Florida Health Care Practitioner Workforce Database is the electronic repository of data elements for each health care profession identified by the department for inclusion in the database. Data elements shall be maintained for as many years as necessary to allow for an analysis of longitudinal trends. To the maximum extent feasible, data elements must be collected and maintained using standardized definitions in order to allow for multistate or national comparisons of this state's data.*

(b) *The workforce database may be implemented in phases; however, the highest priority must be given to including the data elements for allopathic and osteopathic physicians in the database. Inclusion of data elements for other health care practitioners may be accomplished in subsequent phases, as resources allow with priority given to the inclusion of health care practitioners who are subject to the practitioner profiling system under s. 456.041. The department shall develop an implementation plan that recommends the priority order in which other health care practitioners may be added to the database, identifies the data elements to be collected for each group of health care practitioners, and provides an estimate of the cost associated with the addition of each group of health care practitioners to the database. The data elements collected for nurses shall be identified by the department, based upon recommendations made by the Florida Center for Nursing. The implementation plan shall also provide an analysis of technical issues and an estimate of the costs associated with collecting the following data elements for allopathic and osteopathic physicians through the licensing processes of the Board*

of Medicine and the Board of Osteopathic Medicine under s. 456.039, or through the profiling process for health care practitioners under s. 456.041:

1. *The physician's secondary practice location, if any, including the street address, municipality, county, and zip code.*

2. *The approximate number of hours per week spent in each practice location.*

3. *Each practice setting, by major category of practice setting, including, but not limited to, office-based practice, hospital-based practice, nursing home, health maintenance organization, and county health department.*

4. *Whether the physician is a full-time member of a medical school faculty.*

5. *Whether the physician plans to reduce his or her practice volume by a significant percent within the effective period of the currently held license.*

The implementation plan shall be submitted to the Governor and Legislature by December 1, 2005.

(4) *The data elements for allopathic and osteopathic physicians shall include the following:*

(a) *Data elements for each allopathic and osteopathic physician licensed to practice in this state:*

1. *Name.*

2. *Date of birth.*

3. *Place of birth.*

4. *Gender.*

5. *Race.*

6. *Social security number.*

7. *Name of medical school.*

8. *Year of graduation from medical school.*

9. *Location of medical school.*

10. *Name of each graduate medical education program completed.*

11. *Year of completion of each graduate medical education program.*

12. *Location of each graduate medical education program completed.*

13. *Type of each graduate medical education program completed, such as internship, residency, or fellowship.*

14. *Each medical specialty or subspecialty that the physician practices.*

15. *Each medical specialty board certification held.*

16. *The primary practice location, including the street address, municipality, county, and zip code for each location.*

(b) *Data elements for each graduate of a Florida allopathic or osteopathic medical school:*

1. *Name.*

2. *Date of birth.*

3. *Place of birth.*

4. *Gender.*

5. *Race.*

6. *Social security number.*

7. Name of medical school.
 8. Year of graduation from medical school.
 9. Name and location, by state and country, of the graduate medical education program that the graduate plans to enter.
 10. Type of graduate medical education program, such as internship or residency, which the graduate plans to enter, including the identification of graduate medical education programs during postgraduate year 1 and postgraduate year 2, if applicable, for graduates entering preliminary or transitional positions during postgraduate year 1.
- (c) Data elements for each allopathic or osteopathic physician completing a graduate medical education program in this state:
1. Name.
 2. Date of birth.
 3. Place of birth.
 4. Gender.
 5. Race.
 6. Social security number.
 7. Name of medical school.
 8. Year of graduation from medical school.
 9. Location, by state and country, of the medical school.
 10. Name and location, by state and country, of the graduate medical education program.

(5) **REQUIRED USE OF EXISTING DATA SOURCES.**—*It is the intent of the Legislature to minimize the cost of creating and operating the Florida Health Care Practitioner Workforce Database and to avoid unwarranted duplication of existing data. Therefore, to the maximum extent possible, the data included in the workforce database shall be derived from existing data sources except as provided in paragraph (6)(a). New data shall be collected for inclusion in the workforce database only when the department determines that such data are essential for evaluating and analyzing the health care professions and when the data cannot be obtained from existing sources.*

(6)(a) Data elements sought to satisfy paragraph (4)(a) shall be obtained from the licensing processes of the Board of Medicine and the Board of Osteopathic Medicine under s. 456.039, and from the profiling process for health care practitioners under s. 456.041. In addition to the data collected under ss. 456.039 and 456.041, the Board of Medicine and the Board of Osteopathic Medicine shall collect the following data from each person applying for initial licensure or licensure renewal to practice medicine or osteopathic medicine as a physician after July 1, 2005, and the Department of Health shall enter the data into the database used for licensure or an equivalent database:

1. The place of the applicant's birth.
2. The state and country of the medical school from which the applicant graduated.
3. Each medical specialty or subspecialty that the physician practices.

(b) Each medical school in this state shall annually submit the data elements described in paragraph (4)(b) to the department, in a manner prescribed by the department, for each medical student who provides written consent to the medical school authorizing the release of his or her data to the department.

(c) Each graduate medical education program in this state shall annually submit the data elements described in paragraph (4)(c) to the department, in the manner prescribed by the department, for each intern or resident who provides written consent to the residency program authorizing the release of his or her data to the department.

(7) **IMPLEMENTATION.**—

(a) The Secretary of Health may establish an advisory committee to monitor the creation and implementation of the Florida Health Care Practitioner Workforce Database.

(b) The department may employ or assign agency staff or may contract, on a competitive-bid basis, with an appropriate entity to administer the workforce database.

(8) **RULEMAKING.**—*The department shall adopt rules under ss. 120.536(1) and 120.54 to administer this section.*

Section 143. Section 142 of this act shall not take effect unless sufficient funds are allocated in a specific appropriation or in the General Appropriations Act for the 2004-2005 fiscal year to fund the Florida Health Care Practitioner Workforce Database. The Medical Quality Assurance Trust Fund may not be used to fund the administration of this act.

Section 144. Subsections (3) and (4) of section 456.039, Florida Statutes, are amended to read:

456.039 Designated health care professionals; information required for licensure.—

(3) Each person who has submitted information ~~under~~ pursuant to subsection (1) must update that information in writing by notifying the department of Health within 15 45 days after the occurrence of an event or the attainment of a status that is required to be reported by subsection (1). Failure to comply with the requirements of this subsection to update and submit information constitutes a ground for disciplinary action under each respective licensing chapter and s. 456.072(1)(k). For failure to comply with the requirements of this subsection to update and submit information, the department or board, as appropriate, may:

(a) Refuse to issue a license to any person applying for initial licensure who fails to submit and update the required information.

(b) Issue a citation to any licensee who fails to submit and update the required information and may fine the licensee up to \$50 for each day that the licensee is not in compliance with this subsection. The citation must clearly state that the licensee may choose, in lieu of accepting the citation, to follow the procedure under s. 456.073. If the licensee disputes the matter in the citation, the procedures set forth in s. 456.073 must be followed. However, if the licensee does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the licensee's last known address.

(4)(a) An applicant for initial licensure must submit a set of fingerprints to the Department of Health in accordance with s. 458.311, s. 458.3115, s. 458.3124, ~~s. 458.313~~, s. 459.0055, s. 460.406, or s. 461.006.

(b) An applicant for renewed licensure must submit a set of fingerprints for the initial renewal of his or her license after January 1, 2000, to the department ~~agency regulating that profession~~ in accordance with procedures established under s. 458.319, s. 459.008, s. 460.407, or s. 461.007.

(c) The Department of Health shall submit the fingerprints provided by an applicant for initial licensure to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant. The department shall submit the fingerprints provided by an applicant for a renewed license to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check for the initial renewal of the applicant's license after January 1, 2000; for any subsequent renewal of the applicant's license, the department shall submit the required information for a statewide criminal history check of the applicant.

(d) Any applicant for initial licensure or renewal of licensure as a health care practitioner who submits to the Department of Health a set of fingerprints or information required for the criminal history check required under this section shall not be required to provide a subsequent set of fingerprints or other duplicate information required for a criminal

history check to the Agency for Health Care Administration, the Department of Juvenile Justice, or the Department of Children and Family Services for employment or licensure with such agency or department if the applicant has undergone a criminal history check as a condition of initial licensure or licensure renewal as a health care practitioner with the Department of Health or any of its regulatory boards, notwithstanding any other provision of law to the contrary. In lieu of such duplicate submission, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Children and Family Services shall obtain criminal history information for employment or licensure of health care practitioners by such agency and departments from the Department of Health's health care practitioner credentialing system.

(e) *Fingerprints obtained by the Department of Health under paragraph (a) shall be retained by the Department of Law Enforcement and must be entered in the statewide automated fingerprint identification system authorized by s. 943.05(2)(b). Such fingerprints shall thereafter be available for all purposes and uses authorized for arrest fingerprint cards entered in the statewide automated fingerprint identification system pursuant to s. 943.051.*

(f) *Beginning December 15, 2004, the Department of Law Enforcement shall search all arrest fingerprint cards received under s. 943.051 against the fingerprints retained in the statewide automated fingerprint identification system under paragraph (e). Any arrest records that are thus identified with the retained applicant fingerprints must be reported to the Department of Health. The Department of Health must participate in this search process by paying an annual fee to the Department of Law Enforcement and by informing the Department of Law Enforcement of any change in the licensure status of each applicant whose fingerprints are retained under paragraph (e). The Department of Law Enforcement shall establish by rule the amount of the annual fee to be imposed on the Department of Health for performing these searches, for retaining fingerprints of licensed health care practitioners, and for disseminating search results. Each applicant for licensure or license renewal who is subject to the requirements of this section and whose fingerprints are retained by the Department of Law Enforcement shall pay to the Department of Health, at the time of initial licensure or license renewal, an amount equal to the costs incurred by the Department of Health for access to records in the statewide automated fingerprint identification system in lieu of payment of fees for a statewide criminal background check of the applicant.*

Section 145. Subsections (3) and (4) of section 456.0391, Florida Statutes, are amended to read:

456.0391 Advanced registered nurse practitioners; information required for certification.—

(3) Each person certified under s. 464.012 who has submitted information pursuant to subsection (1) must update that information in writing by notifying the department of Health within 15 45 days after the occurrence of an event or the attainment of a status that is required to be reported by subsection (1). Failure to comply with the requirements of this subsection to update and submit information constitutes a ground for disciplinary action under chapter 464 and s. 456.072(1)(k). For failure to comply with the requirements of this subsection to update and submit information, the department or board, as appropriate, may:

(a) Refuse to issue a certificate to any person applying for initial certification who fails to submit and update the required information.

(b) Issue a citation to any certificateholder who fails to submit and update the required information and may fine the certificateholder up to \$50 for each day that the certificateholder is not in compliance with this subsection. The citation must clearly state that the certificateholder may choose, in lieu of accepting the citation, to follow the procedure under s. 456.073. If the certificateholder disputes the matter in the citation, the procedures set forth in s. 456.073 must be followed. However, if the certificateholder does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the certificateholder's last known address.

(4)(a) An applicant for initial certification under s. 464.012 must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an

amount equal to the costs incurred by the Department of Health for a national criminal history check of the applicant.

(b) An applicant for renewed certification who has ~~not~~ previously submitted a set of fingerprints to the Department of Health for purposes of certification must submit a set of fingerprints to the department as a condition of the initial renewal of his or her certificate after the effective date of this section. The applicant must submit the fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for a national criminal history check. For subsequent renewals, the applicant for renewed certification must only submit information necessary to conduct a statewide criminal history check, along with payment in an amount equal to the costs incurred by the Department of Health for a statewide criminal history check.

(c)1. The Department of Health shall submit the fingerprints provided by an applicant for initial certification to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant.

2. The department shall submit the fingerprints provided by an applicant for the initial renewal of certification to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check for the initial renewal of the applicant's certificate after the effective date of this section.

3. For any subsequent renewal of the applicant's certificate, the department shall submit the required information for a statewide criminal history check of the applicant to the Florida Department of Law Enforcement.

(d) Any applicant for initial certification or renewal of certification as an advanced registered nurse practitioner who submits to the Department of Health a set of fingerprints and information required for the criminal history check required under this section shall not be required to provide a subsequent set of fingerprints or other duplicate information required for a criminal history check to the Agency for Health Care Administration, the Department of Juvenile Justice, or the Department of Children and Family Services for employment or licensure with such agency or department, if the applicant has undergone a criminal history check as a condition of initial certification or renewal of certification as an advanced registered nurse practitioner with the Department of Health, notwithstanding any other provision of law to the contrary. In lieu of such duplicate submission, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Children and Family Services shall obtain criminal history information for employment or licensure of persons certified under s. 464.012 by such agency or department from the Department of Health's health care practitioner credentialing system.

(e) *Fingerprints obtained by the Department of Health under paragraph (a) shall be retained by the Department of Law Enforcement and must be entered in the statewide automated fingerprint identification system authorized by s. 943.05(2)(b). Such fingerprints shall thereafter be available for all purposes and uses authorized for arrest fingerprint cards entered in the statewide automated fingerprint identification system pursuant to s. 943.051.*

(f) *Beginning December 15, 2004, the Department of Law Enforcement shall search all arrest fingerprint cards received under s. 943.051 against the fingerprints retained in the statewide automated fingerprint identification system under paragraph (e). Any arrest records that are thus identified with the retained applicant fingerprints must be reported to the Department of Health. The Department of Health must participate in this search process by paying an annual fee to the Department of Law Enforcement and by informing the Department of Law Enforcement of any change in the certification status of each applicant whose fingerprints are retained under paragraph (e). The Department of Law Enforcement shall establish by rule the amount of the annual fee to be imposed on the Department of Health for performing these searches, for retaining fingerprints of certified health care practitioners, and for disseminating search results. Each applicant for certification or certification renewal who is subject to the requirements of this section and whose fingerprints*

are retained by the Department of Law Enforcement shall pay to the Department of Health, at the time of initial certification or certification renewal, an amount equal to the costs incurred by the Department of Health for access to records in the statewide automated fingerprint identification system in lieu of payment of fees for a statewide criminal background check of the applicant.

Section 146. (1)(a) *Beginning July 1, 2006, the application forms for an initial license and a license renewal for physicians licensed under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes, shall be submitted electronically through the Internet unless the applicant provides an explanation for not doing so.*

(b) *Beginning July 1, 2007, the application forms for an initial license and a license renewal for physicians licensed under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes, shall be submitted electronically through the Internet.*

(c) *The department shall issue the license or renew a license if the applicant provides satisfactory evidence that all conditions and requirements of licensure or license renewal have been met.*

Section 147. Section 456.042, Florida Statutes, is amended to read:

456.042 Practitioner profiles; update.—A practitioner must submit updates of required information within 15 days after the final activity that renders such information a fact. *Practitioners may submit the required information electronically through the Internet. Beginning July 1, 2007, a practitioner must electronically submit updates of required information through the Internet within 15 days after the final activity that renders such information a fact.* The department of Health shall update each practitioner's practitioner profile periodically. An updated profile is subject to the same requirements as an original profile.

Section 148. Subsection (1) of section 456.051, Florida Statutes, is amended to read:

456.051 Reports of professional liability actions; bankruptcies; Department of Health's responsibility to provide.—

(1) The report of a claim or action for damages for personal injury which is required to be provided to the Department of Health under s. 456.049 or s. 627.912 is public information except for the name of the claimant or injured person, which remains confidential as provided in ss. 456.049(2)(d) and 627.912(2)(e). The Department of Health shall, upon request, make such report available to any person. The department shall make such report available as a part of the practitioner's profile in accordance with s. 456.041(4) within 30 calendar days after receipt.

Section 149. Subsection (1) of section 458.319, Florida Statutes, is amended to read:

458.319 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application, evidence that the applicant has actively practiced medicine or has been on the active teaching faculty of an accredited medical school for at least 2 years of the immediately preceding 4 years, and a fee not to exceed \$500; provided, however, that if the licensee is either a resident physician, assistant resident physician, fellow, house physician, or intern in an approved postgraduate training program, as defined by the board by rule, the fee shall not exceed \$100 per annum. If the licensee has not actively practiced medicine for at least 2 years of the immediately preceding 4 years, the board shall require that the licensee successfully complete a board-approved clinical competency examination prior to renewal of the license. "Actively practiced medicine" means that practice of medicine by physicians, including those employed by any governmental entity in community or public health, as defined by this chapter, including physicians practicing administrative medicine. An applicant for a renewed license must also submit the information required under s. 456.039 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. *After the statewide automated fingerprint identification system is implemented, the applicant whose fingerprints are retained in that system must pay the Department of Health an amount equal to the costs incurred by the Department of Health for access to records in the statewide automated fingerprint identification system in lieu of payment of fees for a statewide criminal background check of the*

applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under s. 456.039 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to \$50 for each day that the applicant is not in compliance with the requirements of s. 456.039. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 456.073. If the applicant disputes the matter in the citation, the procedures set forth in s. 456.073 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check. *However, if the applicant's fingerprints are retained by the Department of Law Enforcement in the statewide automated fingerprint identification system and the Department of Health is using that system for access to arrest information of licensed health practitioners, then the applicant must submit the information and fee required by s. 456.039 for access to records in the statewide automated fingerprint identification system in lieu of payment of fees for a criminal background check of the applicant.*

Section 150. Subsection (1) of section 459.008, Florida Statutes, is amended to read:

459.008 Renewal of licenses and certificates.—

(1) The department shall renew a license or certificate upon receipt of the renewal application and fee. An applicant for a renewed license must also submit the information required under s. 456.039 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. *After the statewide automated fingerprint identification system is implemented, the applicant whose fingerprints are retained in that system must pay the Department of Health an amount equal to the costs incurred by the Department of Health for access to records in the statewide automated fingerprint identification system in lieu of payment of fees for a statewide criminal background check of the applicant.* The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under s. 456.039 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to \$50 for each day that the applicant is not in compliance with the requirements of s. 456.039. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 456.073. If the applicant disputes the matter in the citation, the procedures set forth in s. 456.073 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check. *However, if the applicant's fingerprints are retained by the Department of Law Enforcement in the statewide automated fingerprint identification system and the Department of Health is using that system for access*

to arrest information of licensed health practitioners, then the applicant must submit the information and fee required by s. 456.039 for access to records in the statewide automated fingerprint identification system in lieu of payment of fees for a criminal background check of the applicant.

Section 151. Subsection (1) of section 460.407, Florida Statutes, is amended to read:

460.407 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and the fee set by the board not to exceed \$500. An applicant for a renewed license must also submit the information required under s. 456.039 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. *After the statewide automated fingerprint identification system is implemented, the applicant whose fingerprints are retained in that system must pay the Department of Health an amount equal to the costs incurred by the Department of Health for access to records in the statewide automated fingerprint identification system in lieu of payment of fees for a statewide criminal background check of the applicant.* The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under s. 456.039 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to \$50 for each day that the applicant is not in compliance with the requirements of s. 456.039. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 456.073. If the applicant disputes the matter in the citation, the procedures set forth in s. 456.073 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check. *However, if the applicant's fingerprints are retained by the Department of Law Enforcement in the statewide automated fingerprint identification system and the Department of Health is using that system for access to arrest information of licensed health practitioners, then the applicant must submit the information and fee required by s. 456.039 for access to records in the statewide automated fingerprint identification system in lieu of payment of fees for a criminal background check of the applicant.*

Section 152. Subsection (1) of section 461.007, Florida Statutes, is amended to read:

461.007 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and a fee not to exceed \$350 set by the board, and evidence that the applicant has actively practiced podiatric medicine or has been on the active teaching faculty of an accredited school of podiatric medicine for at least 2 years of the immediately preceding 4 years. If the licensee has not actively practiced podiatric medicine for at least 2 years of the immediately preceding 4 years, the board shall require that the licensee successfully complete a board-approved course prior to renewal of the license. For purposes of this subsection, "actively practiced podiatric medicine" means the licensed practice of podiatric medicine as defined in s. 461.003(5) by podiatric physicians, including podiatric physicians employed by any governmental entity, on the active teaching faculty of an accredited school of podiatric medicine, or practicing administrative podiatric medicine. An applicant for a renewed license must also submit the information required under s. 456.039 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant.

After the statewide automated fingerprint identification system is implemented, the applicant whose fingerprints are retained in that system must pay the Department of Health an amount equal to the costs incurred by the Department of Health for access to records in the statewide automated fingerprint identification system in lieu of payment of fees for a statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under s. 456.039 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to \$50 for each day that the applicant is not in compliance with the requirements of s. 456.039. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 456.073. If the applicant disputes the matter in the citation, the procedures set forth in s. 456.073 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check. *However, if the applicant's fingerprints are retained by the Department of Law Enforcement in the statewide automated fingerprint identification system and the Department of Health is using that system for access to arrest information of licensed health practitioners, then the applicant must submit the information and fee required by s. 456.039 for access to records in the statewide automated fingerprint identification system in lieu of payment of fees for a criminal background check of the applicant.*

Section 153. Subsection (4) of section 461.014, Florida Statutes, is amended to read:

461.014 Residency.—The board shall encourage and develop podiatric residency programs in hospitals in this state and shall establish such programs by the promulgation of rules, subject to the following conditions:

(4) Every hospital having a residency program shall ~~annually~~ *annually*, on ~~January 1 and~~ July 1 of each year, provide the board with a list of podiatric residents and such other information as is required by the board.

Section 154. Subsection (7) of section 456.025, Florida Statutes, is amended to read:

456.025 Fees; receipts; disposition.—

(7) Each board, or the department if there is no board, shall establish, by rule, a fee not to exceed \$250 for anyone seeking approval to provide continuing education courses or programs and shall establish by rule a biennial renewal fee not to exceed \$250 for the renewal of providership of such courses. The fees collected from continuing education providers shall be used for the purposes of reviewing course provider applications, monitoring the integrity of the courses provided, and covering legal expenses incurred as a result of not granting or renewing a providership, ~~and developing and maintaining an electronic continuing education tracking system. The department shall implement an electronic continuing education tracking system for each new biennial renewal cycle for which electronic renewals are implemented after the effective date of this act and shall integrate such system into the licensure and renewal system. All approved continuing education providers shall provide information on course attendance to the department necessary to implement the electronic tracking system. The department shall, by rule, specify the form and procedures by which the information is to be submitted.~~

Section 155. Paragraph (ff) is added to subsection (1) of section 456.072, Florida Statutes, to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(ff) *Failure for a third or more times to complete the requisite number of hours of continuing education hours within a license renewal biennium period or within a 3-month period from the date after the end of the license renewal biennium, if the extension was requested.*

Section 156. *The sum of \$181,900 is appropriated from the Medical Quality Assurance Trust Fund to the Department of Health for the purpose of implementing the provisions of sections 144 through 152 of this act during the 2004-2005 fiscal year.*

And the title is amended as follows:

On page 17, line 10, after the semicolon (;) insert: amending s. 456.025, F.S.; deleting requirements for the Department of Health to administer an electronic continuing education tracking system for health care practitioners; amending s. 456.072, F.S.; providing for discipline of licensees who fail to meet continuing education requirements as a prerequisite for license renewal three or more times; creating s. 381.03015, F.S.; providing legislative intent with respect to a health care practitioner workforce database; providing definitions; creating the Florida Health Care Practitioner Workforce Database within the Department of Health; authorizing the database to be implemented in stages; giving priority in the database for information concerning allopathic and osteopathic physicians; specifying data elements of allopathic and osteopathic physicians for inclusion in the database; requiring that data for the health care practitioner workforce database be gathered from existing data sources; requiring certain entities to provide data elements to the department; authorizing the department to create an advisory committee; requiring the department to adopt rules; providing that the act will not take effect unless funds are specifically appropriated for this purpose; prohibiting the use of a specified trust fund to administer the act; amending s. 456.039, F.S.; revising the requirements for updating the information submitted by designated health care professionals for licensure and license renewal; authorizing the Department of Health to receive automated criminal arrest information concerning health care professionals who are subject to the profiling requirements; requiring certain health professionals to submit fingerprints to the Department of Health and to pay fees for a criminal history records check; amending s. 456.0391, F.S.; revising the requirements for information submitted by advanced registered nurse practitioners for certification; authorizing the Department of Health to receive automated criminal arrest information concerning health care professionals who are subject to the profiling requirements; requiring certain health professionals to submit fingerprints to the Department of Health and to pay fees for a criminal history records check; requiring applications for a physician license and license renewal to be submitted electronically by a specified date; amending s. 456.042, F.S.; requiring designated health care practitioners to electronically submit updates of required information for compilation into practitioner profiles; amending s. 456.051, F.S.; revising requirements for the Department of Health to publish reports of claims or actions for damages for certain health care practitioners on the practitioner profiles; amending ss. 458.319, 459.008, 460.407, and 461.007, F.S.; revising requirements for physician licensure renewal; authorizing the Department of Health to gain access to renewal applicants' records in an automated system maintained by the Department of Law Enforcement; amending s. 461.014, F.S.; providing that each hospital annually provide a list of podiatric residents; providing an appropriation;

Amendment 7 (793610)(with title amendment)—On page 128, line 15 through page 129, line 4, delete those lines and insert:

Section 92. Paragraph (g) is added to subsection (2) of section 490.014, Florida Statutes, to read:

490.014 Exemptions.—

(2) No person shall be required to be licensed or provisionally licensed under this chapter who:

(g) *Is a former salaried employee of the Department of Corrections that at the time of government employment, the agency contracted with a private provider for the continuation of similar services and the employee was hired by the private provider to perform the same essential duties for which he or she was trained and hired by the government*

agency, under clinical supervision of a duly licensed psychologist, and so long as the employee is not held out to the public as a psychologist under s. 490.012(1)(a). For contracts entered into under this subsection, the private provider shall be liable and shall indemnify, defend, and hold the contracting agency, its employees; agents, officers, and assignees harmless from any and all claims, suits, judgments, or damages including court costs and attorneys' fees arising out of intentional acts, negligence, or omissions by the provider, or its employees or agents, in the course of the operations of this contract, including any claims or actions brought under Title 42 U.S.C. ss. 1983, the Civil Rights Act.

And the title is amended as follows:

On page 10, delete line 15 and insert: services the exemption from

On motion by Senator Peaden, **CS for CS for SB 2170** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Garcia, by two-thirds vote **SB 186, SB 1354, SB 1356, SB 1362** and **SB 2824** were withdrawn from the committees of reference and further consideration.

On motion by Senator Lee, by two-thirds vote **CS for SB 2448** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations.

MOTIONS

On motion by Senator Lee, by two-thirds vote the following bills were added to the Special Order Calendar for Monday, April 26: **CS for SB 244 and 1566, CS for CS for CS for SB 512, CS for CS for SB 528, CS for SB 538, CS for CS for SB 546, CS for SB 560, CS for CS for CS for CS for SB 700, CS for SB 702, CS for SB 1074, CS for CS for CS for SB 1174, CS for CS for SB 1178, SB 1440, CS for SB 1600, CS for SB 1900, SB 2132, CS for SB 2158, CS for SB 2284, CS for SB 2346, CS for CS for CS for SB 2480, CS for SB 2572, CS for CS for SB 2616, CS for SB 2654, SM 2818, CS for CS for CS for SB 2910 and CS for CS for SB 2994.**

On motion by Senator Lee, a deadline of one hour after availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Monday, April 26.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Saturday, April 24, 2004: **SB 2112, CS for SB 1900, CS for SB 2284, SB 2132, CS for SB 2572, CS for CS for SB 1178, CS for CS for CS for SB 1770, CS for CS for CS for SB 2480, CS for CS for CS for SB 512, CS for CS for CS for CS for SB 700, CS for SB 2654, CS for CS for SB 546, CS for SB 1074, CS for CS for CS for SB 2910, CS for SB 702, CS for CS for CS for SB 1174, CS for CS for SB 2994, CS for CS for SB 2616, CS for SB 560, CS**

for CS for SB 1458, CS for SB 2158, CS for SB 538, CS for SB 1922, CS for SB's 2346 and 516, CS for SB 244 and 1566, CS for SB 1600, SB 1440

Respectfully submitted,
Tom Lee, Chair

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for Saturday, April 24, 2004: CS for CS for SB 1770, SB 2688, CS for SB 1870, CS for SB 1590, CS for SB 364, CS for SB 678, CS for SB 2444, CS for SB 2306, CS for SB 1922, SB 276, SB 194, SJR 566, CS for SB 1514

Respectfully submitted,
Tom Lee, Chair

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Appropriations; Education; and Senators Constantine and Cowin—

CS for CS for SB 354—A bill to be entitled An act relating to public school educational instruction; creating s. 1003.415, F.S.; providing the popular name the “Middle Grades Reform Act”; providing purpose and intent; defining the term “middle grades”; requiring a review and recommendations relating to curricula and courses; requiring implementation of new or revised reading and language arts courses; providing for implementation of a rigorous reading requirement in certain schools; requiring the Department of Education to provide technical assistance; requiring a study of the academic performance of middle grade students and schools with recommendations for an increase in performance; requiring a personalized middle school success plan for certain students; providing authority for State Board of Education rulemaking and enforcement; amending s. 1001.42, F.S.; requiring a school improvement plan to include the rigorous reading requirement if applicable; amending s. 1008.25, F.S.; requiring a personalized middle school success plan to be incorporated in a student's academic improvement plan if applicable; amending s. 1012.34, F.S.; revising assessment criteria for instructional personnel; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed HB 833, HB 835; has passed as amended HB 831 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Mayfield—

HB 833—A bill to be entitled An act relating to the Indian River County School Board; providing for the relief of Amanda Johnson, a minor, by and through Virginia Johnson and Charles Johnson, her parents and natural guardians; providing for an appropriation to compensate her for injuries sustained due to the negligence of the Indian River County School Board; providing for the use of such funds; providing for attorney's fees and costs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master and the Committees on Education; and Finance and Taxation.

By Representative Mayfield—

HB 835—A bill to be entitled An act relating to Indian River County; providing for the relief of Debra Smith, Pamela Hughes, Michael Truitt,

and Charles Hughes; authorizing and directing the Indian River County School Board to compensate them for the death of their father, Sammie Lee Hughes, due to the negligence of the school board; providing for payment of attorney's fees and costs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master and the Committees on Education; and Finance and Taxation.

By Representative Mayfield—

HB 831—A bill to be entitled An act relating to the Indian River County School Board; providing for the relief of Ryan Besancon, a minor, by and through his parents and natural guardians, Mark and Laurie Besancon, for injuries sustained due to the negligence of the Indian River County School Board; providing for the use of such funds; providing for restrictions on the expenditure of funds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master and the Committees on Education; and Finance and Taxation.

RETURNING MESSAGES ON SENATE BILLS

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the Speaker has appointed the following Representatives as conferees on the part of the House on CS for SB 2512: Rep. Kyle (Chair) and Rep. Murman (Vice Chair); At Large: Reps. Bense, Cantens, Greenstein, Harrington, Jennings, Richardson, and Rubio; Agriculture and Environment: Rep. Baker (Chair), Reps. Evers, Clarke, M. Davis, Harper, Poppell, Spratt, and Troutman; Commerce and Local Affairs: Rep. Brummer (Chair), Reps. Brown, Bullard, D. Davis, Quinones, Robaina, and Sorensen; Education: Rep. Simmons (Chair), Reps. Arza, Baxley, Bendross-Mindingall, Carroll, Cretul, Kilmer, Kravitz, Pickens, Rivera, and Sansom; Health: Rep. Green (Chair), Reps. Farkas, Garcia, Harrell, Harrington, Roberson, and Slosberg; Human Services: Rep. Murman (Chair), Reps. Anderson, Bean, H. Gibson, and Sobel; Judicial: Rep. Negron (Chair), Reps. Benson, Holloway, Kottkamp, Mahon, Planas, and Stargel; Public Safety: Rep. Bilirakis (Chair), Reps. Adams, Barreiro, Dean, Henriquez, and Needelman; Transportation and Economic Development: Rep. Waters (Chair), Reps. Berfield, Cusack, Gardiner, Llorente, Russell, and Slosberg.

John B. Phelps, Clerk

RETURNING MESSAGES ON HOUSE BILLS

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the Speaker has appointed the following Representatives as conferees on the part of the House on HB 1839, HB 1841, HB 1847, HB 1849, HB 1851, HB 1853, HB 1859, HB 1863, HB 1865, HB 1869, HB 1871, HB 1873, HB 1877, HB 1879, HB 1881, HB 1883: Rep. Kyle (Chair) and Rep. Murman (Vice Chair); At Large: Reps. Bense, Cantens, Greenstein, Harrington, Jennings, Richardson, and Rubio; Agriculture and Environment: Rep. Baker (Chair), Reps. Evers, Clarke, M. Davis, Harper, Poppell, Spratt, and Troutman; Commerce and Local Affairs: Rep. Brummer (Chair), Reps. Brown, Bullard, D. Davis, Quinones, Robaina, and Sorensen; Education: Rep. Simmons (Chair), Reps. Arza, Baxley, Bendross-Mindingall, Carroll, Cretul, Kilmer, Kravitz, Pickens, Rivera, and Sansom; Health: Rep. Green (Chair), Reps. Farkas, Garcia, Harrell, Harrington, Roberson, and Slosberg; Human Services: Rep. Murman (Chair), Reps. Anderson, Bean, H. Gibson, and Sobel; Judicial: Rep. Negron (Chair), Reps. Benson, Holloway, Kottkamp, Mahon, Planas, and Stargel; Public Safety: Rep. Bilirakis (Chair), Reps. Adams, Barreiro, Dean, Henriquez, and Needelman; Transportation and Economic Development: Rep. Waters (Chair), Reps. Berfield, Cusack, Gardiner, Llorente, Russell, and Slosberg.

John B. Phelps, Clerk

RETURNING MESSAGES—FINAL ACTION

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 1214.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 23 was corrected and approved.

CO-SPONSORS

Senators Aronberg—SB 1596; Argenziano—CS for CS for SB 2842; Cowin—CS for SB 1062, CS for CS for CS for SB 1680; Haridopolos—SB 1596, CS for CS for SB 2020; Lynn—CS for CS for SB 528, CS for SB 1124, CS for SB 1628, SB 2198, CS for CS for SB 2216, CS for SB 2640; Margolis—CS for CS for SB 2372; Pruitt—SB 1596 and Smith—SB 2688

RECESS

On motion by Senator Lee, the Senate recessed at 1:43 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Monday, April 26 or upon call of the President.

BILL ACTION SUMMARY**SATURDAY, APRIL 24, 2004**

S 18 Substituted HB 833; Laid on Table, refer to HB 833
 S 20 Substituted CS for HB 831; Laid on Table, refer to CS/HB 831
 S 96 Read third time; CS passed 39-0
 S 160 Read third time; CS passed as amended 39-0
 S 186 Withdrawn from further consideration
 S 194 Read second and third times; Passed 39-0
 S 276 Read second and third times; Passed 39-0
 S 364 Read second time; Read third time; CS passed as amended 39-0
 S 544 Read third time; CS passed as amended 39-0
 S 566 Read second time
 S 602 Read third time; CS passed 36-0
 S 606 Read third time; CS passed 38-0
 S 678 Read second and third times; CS passed 38-1
 S 708 Read third time; CS passed as amended 38-0
 S 1060 Read third time; CS passed as amended 39-0
 S 1154 Read third time; CS passed as amended 37-0
 S 1172 Read third time; CS passed 39-0
 S 1184 Read third time; Amendment pending

S 1354 Withdrawn from further consideration
 S 1356 Withdrawn from further consideration
 S 1362 Withdrawn from further consideration
 S 1464 Read third time; CS passed as amended 37-0
 S 1514 Read second and third times; CS passed 34-4
 S 1590 Read second and third times; CS passed 39-0
 S 1678 Read third time; CS passed as amended 39-0
 S 1680 Read third time; CS passed as amended 36-1
 S 1716 Read third time; Passed 39-0
 S 1762 Read third time; CS passed as amended 39-0
 S 1770 Read second and third times; CS passed 36-0
 S 1792 Read third time; Passed as amended 39-0
 S 1828 Read third time; Passed 39-0
 S 1870 Substituted HB 457; Laid on Table, refer to HB 457
 S 1922 Read second time; Read third time; CS passed as amended 37-0
 S 1928 Read third time; CS passed as amended 36-2
 S 1970 Read third time; CS passed as amended 39-0
 S 2016 Read third time; Passed as amended 36-1
 S 2112 Read second time
 S 2136 Read third time; CS passed as amended 39-0
 S 2170 Read third time; CS passed as amended 40-0
 S 2184 Read third time; CS passed 38-0
 S 2216 Read third time; CS passed 38-0
 S 2268 Read third time; CS passed as amended 39-0
 S 2270 Read third time; CS passed as amended 39-0
 S 2288 Read third time; CS passed as amended 39-0
 S 2306 Read second and third times; CS passed 38-0
 S 2444 Read second and third times; CS passed 39-0
 S 2472 Read third time; CS passed 38-0
 S 2488 Read third time; Amendment pending; Pending amendment withdrawn; CS passed as amended 39-0
 S 2640 Read third time; CS passed as amended 39-0
 S 2688 Read second time; Read third time; Passed as amended 38-0
 S 2698 Read third time; CS passed 38-0
 S 2718 Read third time; Passed as amended 37-0
 S 2762 Read third time; CS passed as amended 39-0
 S 2796 Read third time; CS passed 39-0
 S 2810 Read third time; Amendment pending; Pending amendment adopted; Passed as amended 36-0
 S 2820 Read third time; CS passed 38-0
 S 2824 Withdrawn from further consideration
 S 2826 Read third time; CS passed 38-0
 S 2884 Read third time; CS passed as amended 38-1
 S 2986 Read third time; CS passed as amended 39-0
 H 221 Read third time; Passed as amended 39-0
 H 295 Read third time; Passed as amended 35-4
 H 349 Read third time
 H 457 Substituted for CS for SB 1870; Read second and third times; Passed 38-0
 H 869 Read third time; Passed 39-0

The following local bills were passed: SB 16, and HB's 683, 765, 831, 833, 835, and 929.

JOURNAL OF THE SENATE

Daily Indices for April 24, 2004

NUMERIC INDEX

BA — Bill Action
BP — Bill Passed
CO — Co-Sponsors
CR — Committee Report

CS — Committee Substitute, First Reading
FR — First Reading
MO — Motion

CS/SB 16	(BA) 901, (BP) 901, (BA) 902	CS/SB 1970	(BA) 882, (BP) 882
CS/SB 18	(BA) 901, (BA) 902	CS/SB 2014	(MO) 894
CS/SB 20	(BA) 901, (BA) 902	SB 2016	(BA) 882, (BP) 882
CS/CS/SB 96	(BA) 875, (BP) 875	CS/CS/SB 2020	(CO) 923
CS/CS/CS/SB 160	(BA) 877, (BA) 878, (BP) 879	SB 2112	(BA) 906, (BA) 911, (CR) 921
SB 186	(MO) 921	SB 2132	(CR) 921, (MO) 921
SB 194	(BA) 905, (BP) 905, (CR) 922	CS/SB 2136	(BA) 882, (BP) 883
CS/SB 244 and 1566	(MO) 921, (CR) 922	CS/SB 2158	(MO) 921, (CR) 922
SB 276	(BA) 905, (BP) 905, (CR) 922	CS/CS/SB 2170	(BA) 887, (BA) 912, (BP) 921
CS/CS/SB 354	(MO) 873, (CS) 922	CS/CS/SB 2184	(BA) 875, (BP) 875
CS/SB 364	(BA) 904, (BP) 904, (CR) 922	SB 2198	(CO) 923
CS/CS/CS/SB 512	(CR) 921, (MO) 921	CS/CS/SB 2216	(BA) 875, (BP) 875, (CO) 923
CS/CS/SB 528	(MO) 921, (CO) 923	CS/SB 2268	(BA) 883, (BP) 883
SB 534	(BA) 902	CS/CS/SB 2270	(BA) 884, (BP) 884
CS/SB 538	(MO) 921, (CR) 922	CS/SB 2284	(CR) 921, (MO) 921
CS/CS/SB 544	(BA) 889, (BA) 894, (BP) 894	CS/CS/SB 2288	(BA) 876, (BP) 876
CS/CS/SB 546	(CR) 921, (MO) 921	CS/SB 2306	(BA) 904, (BP) 904, (CR) 922
CS/SB 552	(BA) 902	CS/SB 2342	(BA) 873
CS/SB 560	(CR) 921, (MO) 921	CS/SB 2346	(MO) 921
SJR 566	(BA) 905, (CR) 922	CS/SB's 2346 and 516	(CR) 922
CS/SB 602	(BA) 877, (BP) 877	CS/CS/SB 2372	(CO) 923
CS/SB 606	(BA) 878, (BP) 878	CS/SB 2444	(BA) 904, (BP) 904, (CR) 922
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CS/SB 678	(BA) 904, (BP) 904, (CR) 922	CS/SB 2472	(BA) 884, (BP) 884
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CS/SB 702	(CR) 921, (MO) 921	CS/CS/CS/CS/SB 2488	(BA) 873, (BA) 874, (BA) 901, (BP) 901
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